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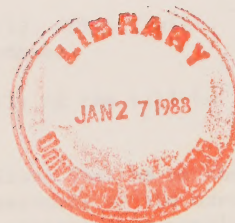
Government
Publication

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

MEMBERS' CONFLICT OF INTEREST ACT

WEDNESDAY, JANUARY 20, 1988

Afternoon Sitting



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)

Breaugh, Michael J. (Oshawa NDP)

Cordiano, Joseph (Lawrence L)

Faubert, Frank (Scarborough-Ellesmere L)

Johnson, Jack (Wellington PC)

McClelland, Carman (Brampton North L)

Polsinelli, Claudio (Yorkview L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

Swart, Mel (Welland-Thorold NDP)

Substitutions:

Eves, Ernie L. (Parry Sound PC) for Mr. Sterling

LeBourdais, Linda (Etobicoke West L) for Mr. Morin

Philip, Ed (Etobicoke-Rexdale NDP) for Mr. Swart

Clerk: Forsyth, Smirle

Staff:

Schuh, Cornelia, Deputy Senior Legislative Counsel

Klein, Susan, Legislative Counsel

Witness:

From the Ministry of the Attorney General:

Scott, Hon. Ian G., Attorney General (St. George-St. David L)



LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, January 20, 1988

The committee resumed at 2:11 p.m. in room 230.

MEMBERS' CONFLICT OF INTEREST ACT

(continued)

LOI SUR LES CONFLITS D'INTERETS DES MEMBRES DE L'ASSEMBLEE

(suite)

Consideration of Bill 1, An Act to provide for greater Certainty in the Reconciliation of the Personal Interests of Members of the Assembly and the Executive Council with their Duties of Office.

Etude du projet de loi 1, Loi assurant une plus grande certitude quant au rapprochement des intérêts personnels des membres de l'Assemblée et du Conseil des ministres avec les devoirs de leurs fonctions.

Mr. Chairman: The committee will come to order.

Hon. Mr. Scott: Mr. Chairman, I have been here since a quarter to two and nobody has arrived.

Mr. Chairman: We will start with section 8. We completed section 7 yesterday.

Mr. Eves: I just wondered if it was the committee's intent to deal with the amendment that the Attorney General gave us with respect to section 5 and get that out of the way, if everybody is in agreement.

Mr. Chairman: I do not know if the members are ready to deal with section 5. I see Mr. Breaugh is not ready, so why do we not just leave section 5 for now and go on with section 8, if it is OK with you, Mr. Eves?

Section/article 8:

Mr. Chairman: Let us deal with section 8 then. It deals with the procedure on conflict of interest. Do you have any comments on that, Attorney General?

Hon. Mr. Scott: No, I do not.

Mr. Eves: We have an amendment to subsection 8(1), which I will read, and then I will just basically outline our amendment.

Mr. Chairman: Mr. Eves moves that subsection 8(1) of the bill be struck out and the following substituted therefor:

"(1) A member who has reasonable grounds to believe that he or she has a conflict of interest in a matter that is before the assembly or the executive council, or a committee of either of them, shall, if present at a meeting considering the matter,

"(a) disclose the general nature of the conflict of interest; and

"(b) withdraw from the meeting without voting or participating in the consideration of the matter.

"(1a) The commissioner shall keep a public register of withdrawals.

"(1b) A member who withdraws from a meeting in accordance with clause (1)(b) shall file a notice of the withdrawal in the public register, disclosing the general nature of the conflict of interest."

M. Eves propose que le paragraphe 8(1) du projet de loi soit remplacé par ce qui suit:

«(1) Le membre qui a des motifs raisonnables de croire qu'il a un conflit d'intérêts ou un conflit apparent d'intérêts dans une affaire qui est devant l'Assemblée, le Conseil des ministres ou un de leurs comités est tenu, s'il est présent à la réunion où l'affaire est étudiée:

«a) de divulguer la nature générale du conflit d'intérêts ou du conflit apparent d'intérêts;

«b) de se retirer de la réunion sans voter et sans participer à l'étude de l'affaire.

«(1a) Le commissaire tient un registre public des retraits.

«(1b) Le membre qui se retire d'une réunion conformément à l'alinéa (1)(b) dépose au registre public un avis de retrait qui divulgue la nature générale du conflit d'intérêts ou du conflit apparent d'intérêts.»

Mr. Eves: The purpose of this amendment is Mr. Sterling's suggestion with respect to a register.

Hon. Mr. Scott: Mr. Chairman, I can perhaps tell you that after reflection, and in the light of the discussion the other day which touched on this subject, the government is opposed to this suggestion. The practical difficulty that is presented is that the question of declaring a conflict and withdrawing is going to be very much a function of the place where the decision that presents the conflict arises. In the public Legislature, it will occur publicly. In the cabinet, it will occur in the cabinet. In a committee, whether in camera or not, it will occur in that committee, in camera or not, depending on how it is sitting.

If a decision confronts me in my office, I will make a written declaration and have it available; but a public register, it seems to me, is an unworkable and unnecessarily bureaucratic exercise. The other thing is it does not take account of people who are not at the meeting. The reality is that if there is a meeting of some committee to dispose of some issue, and I have a conflict and I am not at the meeting, first of all, I will not know that there was a conflict, because I do not necessarily know what came up at the meeting. Also, in that situation there would not be anything to register because I had not done anything, not having been at the meeting.

I would have thought that the way to ensure that members are satisfied is to ask the member, or the parliamentary assistant or the cabinet minister, either in public or in the House, if he participated in the making of such a decision, exactly as Mr. Sterling did in my case. I answered yes and he made a complaint.

Mr. Breaugh: I have some sympathy for the notion that is being

proposed here. I am a little concerned that it be as practical and simple as possible. In the absence of something like this, there will be no record kept of declarations of conflict in many instances. How do we get around that?

Hon. Mr. Scott: I do not know. One of the things is that this bill is going to extend, for example, to caucuses of political parties, as it should. It will extend to the government caucus as well as the government cabinet. I envisage that in order to protect the persons who participate in those environments, each caucus, each cabinet and each committee will keep minutes or a record which will show that a conflict has been declared and the withdrawal of the member. Those minutes will be producible in precisely the fashion that minutes are normally producible.

I would have thought, for example, that it is not desirable to require the production of any part of the minutes of a caucus. If it was alleged, for example, that a member of a caucus who had a conflict of interest acted in voting in caucus on the development of a policy, I think then someone would ask the caucus chairman, and the caucus chairman would say he did not vote, or he declared or he did vote. If anybody said, "I don't believe you," I then think the caucus chairman, the cabinet chairman or the committee chairman would produce a minute that discloses that. If the minute was going to disclose something confidential that should not be released to the public, you would say, "I'll disclose it to the commissioner and you can appear before him and see if he is satisfied."

Mr. Breaugh: What I am struggling with a little bit here is that in my own caucus, for example, it is not a very formal process that is at work there. It becomes formal when a vote is taken, but up until then the caucus process that I am familiar with is a very unstructured discussion where private political argument takes place.

Hon. Mr. Scott: Underlining "unstructured."

Mr. Breaugh: Very unstructured. On occasion, motions are put and votes are taken, but the recordkeeping part of it, I think, as in everybody else's caucus, is not seen to be the most important part of the aspect. I am not sure that asking the chairman of the caucus what happened at a caucus meeting last August is likely to produce much in the way of a result, either in terms of a record or a memory. I do not expect the chairman of my caucus to remember who voted which way on every item that the caucus discussed for the last three years. That is impossible.

What I am looking for--and it is, frankly, a little bit less than what is being proposed here--is some mechanism whereby a member, if he or she thinks that he or she has a conflict that is important enough, can notify the commissioner that, "Listen, even though this decision was made in the privacy of my caucus meeting"--or in a committee in camera or in some other place that is unusual--"I want to notify you that I did not participate in that discussion, that I withdrew from it."

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What I am looking for is perhaps less than a public register of all withdrawals, but some occasion when a member can protect himself or herself by saying, "I am aware that there is a conflict here and I attempted to register that I had withdrawn." In the assembly itself, that is easy; you simply stand up and say so. In a committee, where Hansard is running, that is easy; you simply say so and a public record is kept.

However, there may be other places where it will not be so easy. To protect the member, there should be some way for the member to sign a simple declaration and send it over to the commissioner, who would then keep some kind of a record. I am not suggesting it is even useful to do that on every single occasion, but I am trying to flag that there may well be an occasion when a minister of the crown or a member of the assembly is aware: "There are going to be some serious allegations made here if I do not take some steps to protect myself. I cannot violate the secrecy oaths of cabinet. I do not want to turn open the doors of the caucus meeting. I simply want to say, Mr. Commissioner, I have a conflict here, I withdrew from this discussion and I did not vote on it." I can hand that to the chairman of caucus, mail it to the commissioner or do something which notes that on that particular day I did not participate in that decision.

Hon. Mr. Scott: First, let me say that I am not sure caucus is covered by this, and that may have been a bad example. Let us take cabinet or cabinet committee; that is what we are talking about. The member is fully protected because the member makes his declaration in cabinet precisely as you would in the Legislative Assembly. People outside cabinet do not know that he has made it, but he has made it and there is a record of it, so he is fully protected. If you are concerned about the member's protection, worry not, there will be a record, as there was in the already existent case, that he was able to produce when the time came to confront the issue.

The problem that is presented is, it would be easy enough for government to release a list every Wednesday afternoon of the members who did not participate at one time or another, but that is not going to tell you anything that you want to know. It has nothing to do with protecting the member. It is not going to satisfy curiosity, because if they say, "Mr. Scott did not participate in a matter today," everybody is going to be running around. I cannot tell them what matter because I cannot tell them the agenda of cabinet by law. Without giving simply the names without the matter is going to be a meaningless exercise, leading to the most unlimited speculation.

When the decisions of cabinet are announced, you will see: "My God, they made this important decision that affects the value of this house on Castlefrank Crescent, I wonder if Scott voted on it." Then you simply ask, did Scott vote on that, and the secretary of the cabinet will be able to tell you yes or no. The problem for us, and I have been trying to grapple with a practical way, is while we could give you the names--and let us be clear, we are not concerned about protecting the member because the member is protected--we are also trying to respond to a healthy and desirable curiosity on the part of the public. But we are not going to be able to satisfy that; indeed, we are going to make it worse by giving the names without the item. Some of the items will, in due course, be announced and then you could attach an item to a name, if you wanted, but many of the items are not going to be announced.

Mr. Breagh: In conclusion, most of the occasions that I can think of, for me or members of my caucus, are going to be on the record, Hansard will be kept and my mechanisms are pretty clear. The ones who are going to get the allegations of this are going to be the cabinet. If you want to listen to them, what can I do? It is all yours.

Hon. Mr. Scott: The point is, we did not want to alter the cabinet form of government or the legislative form of government by a side wind.

Mr. Breagh: I personally do not think this would mean the end of democracy in the free world.

Hon. Mr. Scott: I did not say that.

Mr. Chairman: If there is no further discussion, we have Mr. Eves's amendment. Let us vote on the whole section 8(1).

All those in favour of the amendment? All those opposed? The amendment is lost.

Section 8 agreed to.

L'article 8 est adopté.

Section 9/article 9:

Mr. Chairman: Section 9 deals with the commissioner. Any amendments?

Mr. Eves: We have an amendment with respect to subsection 9(2) and subsection 9(4). As we indicated last week, we are open to suggestions with respect to other wording in this matter.

Mr. Chairman: Mr. Eves moves that subsection 9(2) of the bill be amended by adding at the end ", adopted by at least 75 per cent of its members."

Mr. Eves moves that subsection 9(4) of the bill be amended by adding at the end ", adopted by at least 75 per cent of its members."

M. Eves propose que le paragraphe 9(2) du projet de loi soit modifié par adjonction de «, adoptée par au moins 75 pour cent de ses membres».

M. Eves propose que le paragraphe 9(4) du projet de loi soit modifié par adjonction, après «Assemblée» à la deuxième ligne, des mots «, adoptée par au moins 75 pour cent de ses membres».

Mr. Eves: The reason for the amendments is to ensure that not only is there some loose form of consultation with opposition parties, but that a fairly substantial majority of the members of the Legislative Assembly are in favour of a certain individual being the commissioner or in favour of the removal of that individual.

When Mr. Aird appeared before the committee, he said he thought anybody would be rather foolish to take on the job of commissioner if he did not have the support of 100 per cent of the members of the Legislative Assembly. Although he did not want to comment as to the proposed amendment with respect to 75 per cent, he did say a substantial majority of the Legislative Assembly.

We are just trying to put some words in that give effect to that, whatever "substantial majority" means in Mr. Aird's mind and the minds of others. We are not locked in to a certain percentage figure. It is just a suggestion as to how perhaps the section could be improved upon to ensure that a substantial number of the members approve of such an appointment or removal.

Mr. Breaugh: We would be in agreement with certainly the spirit of the amendment. My difficulty with it is the format, the 75 per cent, which is pretty alien to the parliamentary process in any way.

My preference would be, frankly, if anything is done here, to do an indicator that this will be done according to the standing orders of the

Legislative Assembly or something like that, which is how it would be done anyway. Moving an amendment to do that is a little redundant, in my view, but if there is a need or it is seen by the committee to be a need to do that, I want it done that way rather than by this type of a percentage thing.

Frankly, the process that is now used by the Legislative Assembly to appoint a clerk and a list of senior officers of the House--and I would gather the commissioner--is one which is tougher than the 75 per cent requirement. It basically means that the person who is nominated, for those who are not familiar with the process, usually the Speaker or the minister in question provides the standing committee on the Legislative Assembly, or the standing committee on the Ombudsman or the appropriate committee of the assembly with a short list. They kind of go through that list.

Essentially, if the person is not acceptable to any of the parties, the nomination does not proceed from that point. That is a little tougher than 75 per cent. The purpose of the exercise is to make sure that officers of the assembly at a certain level enjoy the support of all members. I am a little reluctant to kind of codify that in this bill, but if there is a change, it should be along those lines rather than as we see in this amendment. It really means that at some point in time you change the Ombudsman Act and you say the same thing there. I do not know whether it is necessary.

Hon. Mr. Scott: It will really traumatize him, but the government adopts Mr. Breaugh's view.

The problem here, it seems to me, is misunderstanding what Mr. Aird said. What he was really saying is that he would not, and he would not advise anybody to take the job, if he did not have 100 per cent support of the Legislature, a view I understand. But he did not mean to say that if there was not 100 per cent support, there should be no commissioner, any more than one would say without 100 per cent support there should not be a Speaker.

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The reality is, to impose 75 per cent means that in some eventually, hopefully remote, we are not going to have the officeholder at all. The tradition, as Mr. Breaugh knows better than all of us, is of consensus, and it is precisely what Mr. Breaugh says. I remember when I was responsible for nominating an information commissioner. I made it plain to our candidate that if either of the party leaders, or through them their caucus, had any reservation, it was game over. That was the end of it. We would have to go on to other names. But we all have to envisage a situation in a very divided House when that might not be possible. When it is not possible, the government is going to pay in 100 different little ways, having mostly to deal with the menu in the Parliamentary restaurant and other stuff.

The consensus is the unwritten rule of the assembly, as it is of all assemblies in this tradition. It is not spelled out in any legislation. While I have no objection to spelling out something here, then we are going to look at all the other acts, as Mr. Breaugh says. They are not going to have that provision and some commentator is going to say they have to be dealt with differently.

I think this should be left to the good sense of the House and, hopefully, to the good sense of the leaders of the parties, as it always has been. If we have to elect a Speaker with 50 plus one per cent of the votes, we may have to elect a Clerk or a information commissioner or a commissioner here

under the same principle, but that is not going to happen 99 per cent of the time.

Mr. Chairman: OK. Shall we vote on that? We have the amendment. All those in favour of the amendment? Opposed?

Motion negatived.

La motion est rejetée.

Mr. Chairman: All those in favour of section 9? All those opposed?

Section 9 agreed to.

L'article 9 est adopté.

Section/article 10:

Mr. Chairman: This deals with the annual report. It is as about as short a section as we are going to get here, three lines.

All those in favour of section 10? All those opposed?

Section 10 agreed to.

L'article 10 est adopté.

Section/article 11:

Mr. Chairman: Section 11 deals with disclosure.

Mr. Eves: I note that Mr. Breaugh has a proposed new section 11a. I do not know if he wants to deal with it after we deal with section 11.

We have a substantial number of amendments with respect to section 11 which, quite frankly, in a lot of respects amount to a virtual rewrite of a good portion of section 11. Guided by the chair, of course, we might be better to deal with our amendments, because I suspect they will not carry the day with the majority of committee members. Then we can get on with Mr. Breaugh's section 11a. if that is acceptable to him.

Mr. Chairman: That is acceptable. Mr. Eves, do you want to proceed.

Mr. Eves: We are in favour of subsection 11(1) the way it is worded, if you would like to carry that.

Mr. Breaugh: No.

Mr. Eves: OK. We have a new subsection 11(1a) that we propose to move. This previously in the handout that some--

Mr. Chairman: Excuse me, Mr. Eves, but do we have that?

Mr. Eves: Yes, you do, but you will have it as subsection 11(5). I am doing away with the amendments that we proposed with respect to subsections 11(1), (2), (3) and (4). We are not moving those. That is one page.

Mr. Chairman: You are withdrawing that?

Mr. Eves: Yes. What was our proposed amendment with respect to what we were going to call subsection 11(5), we have now renumbered as subsection 11(1a), and that is the one I am moving now.

Mr. Chairman: Mr. Eves moves that section 11 of the bill be further amended by adding the following thereto:

"11(1a) Before the disclosure statement is filed, the member and his or her spouse and minor children are entitled to obtain legal advice on it, at the expense of the Legislative Assembly fund."

M. Eves propose que l'article 11 du projet de loi soit modifié par adjonction du paragraphe suivant:

«11(1a) Avant que l'état de divulgation ne soit déposé, le membre et son conjoint et ses enfants mineurs ont le droit d'obtenir des conseils juridiques à cet égard, aux frais de la caisse de l'Assemblée législative.»

Hon. Mr. Scott: Can I tell you why the government is opposed to this motion? Section 11, of course, requires that the member within 60 days fill in a disclosure statement that lists his assets, liabilities and income. It is going to be on a form prescribed by the regulations and, no doubt, drafted by the first commissioner. Those members of my caucus, who have already done it, see a rough cut of the form, which has quite an elaborate series of questions: Do you own your own home? Do you rent?

It is conceivable that people like me and Mr. Breaugh will have no difficulty at all filling in this form. N/A, not applicable, applies to about 98 per cent of the questions. We are not going to need any legal advice or any help from anybody to do it unless we desire to subvert its provisions in some fashion.

It is conceivable that other members who have broader financial and other interests, or spouses who have, will need to collect material and do some research to determine their assets. The really rich never know how rich they are until they start counting. But I am not sure that what they want is a lawyer. Most of the time they will want their business manager to do that, or their accountant, a bookkeeper or somebody of that description. A lawyer, I can tell you being one, retained to do that would not know how to do it. He would say: "Get your bookkeeper. I don't know what you own shares in."

The first objection I have to the thing is that legal advice is not going to be what you are going to need if you need help filling out the disclosure form. The only reason you would want legal advice is on the very dicey question: "Should I tell them this or not? Do I really own it or don't I?" We do not want a lawyer giving you advice on that score. We want you to say what you believe you own, or think you might own, so that the minister or the member is on the hook. We do not want the minister, at the end of the day, to be able to say, "I hired a lawyer who told me I did not have to say that."

We have heard about that in a couple of recent incidents, and it does not work. It is not fair to the member in the last analysis and it is not fair to the public. The member should make his own disclosure statement, getting the assistance of bookkeepers, accountants and mothers-in-law to fill it in. My advice is that if you are in any doubt about whether you own the asset, jot it down there and take the problem up with the commissioner. You can say, "I have a lawyer's opinion that I did not have to list that," if you want, but why should we pay for that exercise if you want to get into it? A lawyer's

opinion that you did not own it may not at the end of the day save you. We know that from practical experience.

Also, the third issue is I have no authority, without consulting with my cabinet colleagues, to approve this.

Mr. Chairman: The other thing is that the proposed amendment provides that the members and certain other persons would be entitled to obtain legal advice before filing a disclosure statement and that the cost for such advice would be paid out of the Legislative Assembly fund.

Standing order 15 provides that, "Any bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds, shall not be passed by the House unless recommended by a message from the Lieutenant Governor, and shall be proposed only by a minister of the crown."

The proposed amendment would specifically direct the allocation of public funds and is not proposed by a minister of the crown and is, therefore, out of order. This ruling does not preclude the Attorney General from moving such an amendment if he wishes.

Mr. Eves: I accept your ruling, Mr. Chairman. As we stated last week, the only reason for moving such an amendment was that we believe that some sort of independent advice should be available. I quite accept the Attorney General's comments that, in some instances, perhaps it would be more practical if it was the advice of an auditor or business manager as opposed to a lawyer or solicitor.

We really feel that there are going to be many instances of members of the executive council or members of the Legislative Assembly who are going to need some assistance in drafting such documentation, and they should be entitled to be reimbursed to some extent for that. That was the point. We have made our point.

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Mr. Breagh: Now that you have ruled the amendment out of order, I think we have to have a discussion about the problem. The problem has been addressed, for example in the federal submission, the Parker commission report. The federal government of Canada decided, having struck a royal commission, that it was fair and reasonable to provide legal services to a member of the House. Those legal services got kind of expensive after a while. Up to a point, the federal cabinet decided it was appropriate for the House to do that. After the commission had tabled its finding, the Prime Minister then decided, "We do not have any obligation any more to provide counsel for a member who is accused of wrongdoing."

I have some difficulty with the proposals I have seen around here. I am not clear in my own mind whether it is really the job of the people of Ontario to do somebody's accountancy role for him. I tend to think not. I am not particularly happy with the notion that you can go to any lawyer you want and submit a bill to the assembly thereafter. It seems to me to be unfair. What is more, it seems to me that the legal advice stinks, if the precedent around here is anything worth noting.

I am, however, a little bit concerned that we are not clear on the role of the commissioner in this. I understand the commissioner to be many things,

one of which is an adviser to the members on how to fulfil their obligations under this act. That may involve legal advice. It may involve some accounting advice. The difficulty is much like some of what we discovered when he visited with us at the beginning of the proceedings here. It seems to me he is not really clear as to how active a role he plays. Is he just a person who receives these pieces of paper from the members and accepts them exactly as is, no questions asked? If there are one or two questions asked, is that the end of it until such time as an allegation is made in which case he conducts an investigation?

We have not had a commissioner for very long. We do not have one yet officially. These questions may resolve themselves over time as the commissioner sets us shop and provides it. I would like all the members to feel that the commissioner is in the first instance an adviser to them, that he tells them how to fill out the forms and the kinds of things they have to do. I am having great difficulty drawing the line where it stops being his professional responsibility under this act and becomes advice to somebody how to run his business. That is my problem.

Hon. Mr. Scott: Let me see if I can tell you because I am a member of the executive council who has been through, not this experience because there is no act, but a parallel experience.

Subsection 3 says that the member shall meet with the commissioner and the commissioner shall ensure that adequate disclosure has been made and advise on obligations under the act. When you meet, the commissioner has two jobs under the statute.

The first is to ensure that adequate disclosure has been made. What I envisage he would do, from my recollection, is that he would take the written disclosure statement, the form I have filled in, and would go over it and ask questions about it to make certain, in so far as he can, that he understood the answers I had given and that the answers were being read by him as I intended them to be read. He would then ask, and indeed did ask, a series of what appeared to me to be completely unrelated questions about a wide variety of interests. I envisaged that he had a check-list of the kinds of questions you would ask a person who had been in business about his interests such as, "Are you going to benefit under any estate that you know about?" He went on at some length.

I think what he is doing there is not being an adviser so much as he is trying to ensure that adequate disclosure has been made. He is trying to prevent the member from saying at the end of the day, "Well, I did not understand that I had to say that." He constantly asks, "Is there anything like this you have not told me?" There he is a public official trying to ensure that you understand what you have to disclose and that you have disclosed it all. If you are going to lie to him you are going to lie to him, but at the end of the day he should be able to say, "I believe, if this man is trustworthy, that he has disclosed everything."

His other function is the advisory function to obtain advice on their obligations under the act. Here it is quite conceivable and, it seems to me, quite appropriate that the commissioner would say: "Mr. Scott, you cannot continue to hold that under this statute without the interposition of a manager. You may think it is not carrying on business to clip those coupons and reinvest the proceeds, but in my judgement you run a risk under the act and you should do that."

That is his advisory function. I presume I am entitled to refuse to

follow his advice but at the end of the day, if a complaint is made, I am going to be in some trouble. In that sense he performs an advisory function. This is all with relation to the disclosure documents. I think it can work. This is not the world's most perfect piece of legislation but I think it can work assuming you have, as I believe you do, members who are willing, if not anxious to co-operate and a commissioner who is thorough.

Mr. Breaugh: Let me pursue this a bit because I think it is important. I am of the opinion that it is not working very well. I do not think we have a clear idea of what the commissioner does. For example, your impression is that he is quite aggressive in trying to pursue a complete disclosure as provided by members of the cabinet. That is certainly not my impression. In his testimony before the committee, I got the distinct impression that he said, "It is my obligation to ask and if they say they have no liabilities, I have to take them at face value."

The problem I see is that the role of the commissioner--perhaps it is natural, but it is not very clear to me exactly what he is there for. Does he just accept the pieces of paper? Does he pursue that aggressively? Does he offer them very much in the way of advice? Just exactly what does he do? We could, of course, leave it as is and see how this all works out but I am not happy with that.

Hon. Mr. Scott: I speak only of my own personal experience. He did not ask me a question like, "Do you have any liabilities?" I had given him a form which disclosed certain liabilities, the mortgage on my house and a couple of other things. He said, "Is there anything else in the nature of liabilities?" I said, "No, I do not think so." Then, as I recall, he asked me a series of pointed questions. "Do you owe the bank any money? Do you have any other mortgages? Do you owe any money on your cottage? Do you have loans from other people that are outstanding? Do you owe your former partners any money?" He went through a list of examples which were obviously designed to jog my memory if I had forgotten something. I frankly think that in my case he was not aggressive in manner, but his check-list was pretty exhaustive.

Then what he did is that when I gave him figures about my banking liabilities, he asked me to produce records from the bank that would confirm what I had said to him. He was thorough in the sense that he did not take my word for that. He wanted valuations of certain assets I had and they were provided by an accountant.

Mr. Breaugh: I think why I have such hesitation on the matter is that I have seen other jurisdictions, most notably in the United States, where public disclosure means a full, complete audit of a person's finances and it goes on the public record. There are field visits by people from the income tax department, field visits submitted and sometimes made either totally public or at least available to the chairman of a committee, for example, on an investigation conducted by the Federal Bureau of Investigation.

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I have a great disdain for that. I see that as being not only irrelevant but a great invasion of someone's privacy. I do not know why the public particularly gets--others in my caucus, I will tell you, do not share this apprehension. There are many in my caucus who feel that your whole income tax statement should be a matter of public record, could be a matter of--

Hon. Mr. Scott: Mr. Aird saw our income tax statements as well.

Mr. Breaugh: I am kind of torn between the two. I think what bothers me is that when I looked at the public disclosure statements, the actual documents that were made public, it seemed to me there was--I do not want to impute motives, but there was certainly no clear intent to provide the public with actual information. There was an attempt to obfuscate, to fuzzify, to provide no information.

Hon. Mr. Scott: Surely that cannot be so. When he says on the form, "There are no liabilities," just because you and I have liabilities to disclose, it does not mean that other people have liabilities. Envy may make it unlikely, but the fact is that there are people--not any close friends of mine, perhaps--who do not owe money on a mortgage, who own their house outright, whose taxes are paid up, whose accounts, even their Chargex, are current. Those people have no liabilities, and the easy way to explain their financial situation is to say, "They have no liabilities." I think it is very cynical, no doubt born of experience in south Oshawa, to say that it cannot be true. Of course it can be true.

Mr. Breaugh: No honest person that I know of does not have liabilities.

Hon. Mr. Scott: What you are saying is you have no honest friends who do not owe money around town.

Mr. Breaugh: I really do not want to be aggressive and pursue this to the extent that the Americans have done. It seems to me that is inappropriate for us. But I do admit that when you ask to see a financial disclosure statement from somebody who is being appointed to a position in the American Congress, you sure get it. You get every last nickel in their bank account, you get an audited tax record, you get a report from the FBI. Whatever you want, you get. Now, some of it is limited in circulation, that is true. Some of it, on appointments, will only go to the chairman of the committee and the ranking Republican or Democrat, so it is kind of limited.

I do not want anything like that, but I want something that is clearer than what we have. I do not want to see us go through another exercise when the public disclosure statement is a list of numbered companies in which someone has some amount of money, and the amount is unstated. I would disagree with Mr. Aird that the value is of no consequence; I believe it is.

Hon. Mr. Scott: This debate--there is no reason why we should not have it now--is really a debate about section 12, about what is disclosed.

Mr. Breaugh: Yes. Again, I think maybe the difficulty is that in section 11 it says the disclosure statement will be in a form prescribed by the regulations, and the cabinet sets the regulations. That is my problem. If we attach the form here and we spend a little time going through what the form would be and what it would look like, it might resolve my difficulty without getting me into all these other problems.

Hon. Mr. Scott: As you will see when we come to section 18, the commissioner in fact sets the regulation, subject to the approval of the Lieutenant Governor. When the time comes, if we ever get to that, I am perfectly prepared to see if whoever is appointed commissioner cannot share with some all-party committee--because it will affect all parties--the kind of form he is contemplating recommending. I do not see any reason why that should not be done on some consultative basis so everybody gets a sense that it is both full and fair, if that helps meet your concern.

Mr. Breaugh: It does a bit.

Just to conclude here, the thing that I think is bad about what has been done so far is that we have gone through the exercise in kind of a dry run without the legislation being in place. In my view, you have come up with something that is virtually fraudulent. It does not tell me, it does not tell the public, financial information about which people are making cabinet decisions. You cannot continue to do that.

Others may disagree and say that is appropriate, that it does not matter what the value of the investment is, that it does not matter what the specific company does. In my view, you fly in the face of public disclosure when you accept that position. It is relevant in the public that they have some understanding of what is the nature of the investment and the size of the investment. I would not argue that they need to know the exact dollar value, because that is another game which is not worth pursuing.

As with liabilities, if you want, you could say in your declarations, "Do you have liabilities over \$5,000?" or something. The purpose of the exercise is to determine, does he owe a substantial amount of money to somebody. I am not concerned that somebody has a Chargex bill that is at \$1,200, as mine is today.

Hon. Mr. Scott: You are just disappointed by the disclosure statements. My best friends, who regard me as a rich and powerful figure, were absolutely appalled that I do not own anything to speak of.

Mr. Breaugh: You have best friends?

Hon. Mr. Scott: I am lowered in their estimation on that account.

Mr. Breaugh: Is that possible?

Hon. Mr. Scott: I think your problem is that your image of what members of the executive council should be like in a sort of Wall Street, top-hat age has caught up with the reality that almost all the members of the cabinet are perfectly ordinary, middle-middle-class people who do not own much except their houses and their cottages and maybe an interest in a small business, a couple of securities and some life insurance. It is awfully depressing.

Mrs. Sullivan: I want to speak to the amendment that was put forward by the Progressive Conservatives and say that perhaps, at a point in time later, it might be worth while looking at a mechanism whereby there could be support. Certainly, the commissioner will be not only providing advice about understanding the disclosures but will be there to answer some of the questions that an independent lawyer or whatever would ask.

One of the questions that you would put to the commissioner, for instance, might be related to a time share: Does that qualify as real property? The commissioner would have to answer that kind of question. The members would know what had to be disclosed or what should be disclosed and what their obligations were.

We will have to find out from experience what the costs are of gathering the records for disclosure. Depending on the member, the cost may well vary. But that is a question I think should be put later, after we have the experience of working with it. Perhaps it is a question not for legislation

but a matter for the Board of Internal Economy to consider as part of the expenses for members.

Hon. Mr. Scott: I accept that.

Mr. Chairman: We have the amendment from Mr. Eves, which did not pass. Then we will vote on section 11.

Interjections: No, no.

Mr. Chairman: Do you want to put some other amendments?

Mr. Eves: I have many more amendments.

Mr. Chairman: I saw them there, but I did not know whether you wanted to put them, Mr. Eves. I would have been gratified if you had withdrawn them, but this not being your day to gratify me, go ahead and put them.

Mr. Eves: I will try to gratify you as much as is possible to go along with you, Mr. Chairman.

Mr. Breaugh: This is turning ugly.

Mr. Chairman: Go ahead, Mr. Eves.

Mr. Eves: If I might explain briefly--if I know what I am doing myself--we have had to renumber our amendments because of dropping our first four proposed amendments. What I am proposing now for committee members, so they can read along if they would like to or just listen to me talk, is that what was our amendment to subsections 11(6), 11(7), 11(8) and 11(9), I am now going to be moving as subsections 11(2), 11(3), 11(4) and 11(5). It is just a simple case of renumbering those. I will read these into the record and then give my brief reason for so doing. I am going to separate the next one from this group.

Mr. Chairman: Mr. Eves moves that subsection 11(2) of the bill be struck out and the following substituted therefor:

"11(2) A disclosure statement shall contain,

"(a) a statement of the assets, liabilities and financial interests of the member and his or her spouse and minor children;

"(b) a statement of any income the member and his or her spouse and minor children, and private companies as defined in the Securities Act controlled by any of them, have received in the preceding 12 months or are entitled to receive in the next 12 months, and a statement of the source of income; and

"(c) a statement of any gifts or benefits that have been disclosed to the commissioner under subsection 5(3).

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"(3) A disclosure statement filed by a member of the executive council shall also contain,

"(a) details of the financial interests the person and his or her spouse and minor children have in corporations and other enterprises;

"(b) if the person or his or her spouse or minor children have a substantial financial interest in a widely held corporation or any financial interest in any other enterprise, details of the following matters with respect to the corporation or other enterprises:

"1. Its assets and liabilities.

"2. Its interests in corporations and other enterprises.

"3. Its real estate interests, including mortgages.

"4. Its contracts with the government of Ontario and with crown agencies.

"(c) details of the real estate interests, including mortgages, of the person and his or her spouse and minor children;

"(d) details of debts owed by or to the person and his or her spouse and minor children.

"(4) The disclosure statement need not include:

"(a) the value of assets and liabilities;

"(b) the amount of income of the member's spouse or minor children or of a private company controlled by the spouse or minor child where the income is paid from a source other than directly from a ministry or an agency, board or commission of the government;

"(c) the municipal address or legal description of real property that is primarily for the residential or recreational use of the member or the member's spouse or minor children;

"(d) personal property use for transportation or for household, educational, recreational, social or aesthetic purposes;

"(e) the amount of cash on hand or on deposit with a chartered bank, trust company or other financial institution in Ontario that is lawfully entitled to accept deposits;

"(f) the amount of Canada savings bonds and other investments or securities of fixed value issued or guaranteed by any level of government in Canada or an agency of such government;

"(g) the value of registered retirement savings plans that are not self-administered;

"(h) the amount invested in open-ended mutual funds;

"(i) the value of guaranteed investment certificates or other similar financial instruments;

"(j) the value of annuities and life insurance policies;

"(k) the value of pension rights.

"(5) However, the disclosure statement shall include a statement of the nature of the assets referred to in clauses 4(e) to (k) and the name and location of persons or institutions against whom such assets are held."

M. Eves propose que l'article 11 du projet de loi soit modifié par adjonction des paragraphes suivants:

«(2) L'état de divulgation comporte:

«a) un état de l'actif, du passif et des intérêts financiers du membre, de son conjoint et de ses enfants mineurs;

«b) un état de tout revenu que le membre, son conjoint, ses enfants mineurs et les compagnies privées, au sens de la Loi sur les valeurs mobilières, dont l'un quelconque d'entre eux a le contrôle, ont reçu au cours des 12 mois précédents ou sont en droit de recevoir au cours des 12 prochains mois, ainsi que l'indication de la source de ce revenu;

«c) un état des dons ou avantages qui ont été divulgués au commissaire aux termes du paragraphe 5(3).

«(3) L'état de divulgation déposé par le membre du Conseil des ministres ou l'adjoint parlementaire comporte également:

«a) des précisions au sujet des intérêts financiers que détiennent la personne, son conjoint et ses enfants mineurs dans des compagnies et dans d'autres entreprises;

«b) si la personne, son conjoint ou ses enfants mineurs détiennent un intérêt financier important dans une compagnie ouverte à un grand nombre d'actionnaires ou tout intérêt financier dans une autre entreprise, des précisions au sujet des questions suivantes en ce qui concerne la compagnie ou l'autre entreprise:

«1. Son actif et son passif.

«2. Ses intérêts dans des compagnies et dans d'autres entreprises.

«3. Ses intérêts immobiliers, y compris les hypothèques.

«4. Ses contrats avec le gouvernement de l'Ontario et avec des organismes de la couronne.

«c) des précisions au sujet des intérêts immobiliers, y compris les hypothèques, de la personne, de son conjoint et de ses enfants mineurs;

«d) des précisions au sujet des dettes et créances de la personne, de son conjoint et de ses enfants mineurs.

«(4) Il n'est pas nécessaire que l'état de divulgation comporte:

«a) la valeur des éléments d'actif et de passif;

«b) le montant du revenu du conjoint, des enfants mineurs du membre, ou d'une compagnie privée que contrôle le conjoint ou un enfant mineur, si ce revenu provient d'une source autre que directement d'un ministère, d'un organisme, d'un conseil ou d'une commission du gouvernement;

«c) l'adresse municipale ou la description légale d'un bien immeuble utilisé essentiellement à des fins de résidence ou de loisir par le membre, son conjoint ou ses enfants mineurs;

«d) les biens meubles utilisés à des fins de transport, domestiques, éducatives, sociales, décoratives ou de loisirs;

«e) le montant de l'argent en caisse ou en dépôt dans une banque à charte, compagnie de fiducie ou autre institution financière en Ontario légitimement autorisée à accepter des dépôts;

«f) le montant d'obligations d'épargne du Canada et d'autres placements ou valeurs mobilières à valeur fixe, émis ou garantis par un palier de gouvernement au Canada ou l'un de ses organismes;

«g) la valeur des régimes enregistrés d'épargne-retraite qui ne sont pas autogérés;

«h) le montant investi dans des compagnies d'investissement à capital variable;

«i) la valeur des certificats de placement garantis ou d'autres effets financiers semblables;

«j) la valeur de rentes et de polices d'assurance-vie;

«k) la valeur des droits à une pension.

«(5) L'état de divulgation comporte toutefois une déclaration de la nature des éléments d'actif visés aux alinéas (4)e) à k), ainsi que les noms et lieux de personnes ou d'établissements à l'égard desquels l'élément d'actif est détenu.»

Mr. Eves: All of that basically or what the amendment purports to do, Mr. Chairman, is that, first of all, we are distinguishing between the disclosure statement of a member and a member of the executive council. The only part we have changed with respect to a member is clause 11(2)(c).

Clause 2(c) in the act now is worded "any other information as prescribed by the regulations." We would prefer that any amendment to the act of the substance or the nature not be done by regulation but by amending the act itself so that the Legislative Assembly has an opportunity to debate and discuss the same. We have also added in--I believe at legislative counsel's suggestion--the gifts or benefits that were referred to in subsection 5(3).

With respect to our proposed amendment for subsection 11(3), we are outlining what extra details, if you will, we expect members of the executive council to provide.

With respect to subsection 11(4), the wording is almost identical to that in the draft act. The only changes are with respect to what is now in the act, clause 12(1)(a) and (b). We have said that the value of assets and liabilities need not be disclosed, but in fact the assets and liabilities themselves should be disclosed; and the same with the amount of income.

Those are the basic changes that we are proposing to those subsections. I quite appreciate that it amounts to a fairly major rewrite of section 11 and differentiates between statements required by members and members of the executive council.

Hon. Mr. Scott: On behalf of the government, we have considered this very carefully, and if you accept the principle of disclosure complete and unrestricted to a commissioner, this amendment simply guts that whole concept. Let me just take you through it very quickly.

First of all, clauses 11(2)(a) and (b) are really identical to clauses

(a) and (b) in the statute. You have said "his or her spouse" and we have said "the member's spouse," but clauses (a) and (b) are no change. Clause (c) is new. We are talking here about disclosure by the member in privacy to the commissioner on the form provided. We are not talking about what the Clerk gets. Clause (c) is unnecessary because under section 5 a member is obliged to disclose his gift anyway. Why would he disclose it again? He already disclosed it six months ago. A small point.

The next point, as the member very frankly says, is designed to impose a greater burden on cabinet ministers. In one sense it does, but in another sense it does not because members are, of course, obliged to disclose all assets and liabilities. All assets and liabilities includes everything without restriction. There cannot be much in subsection 3 that is not already covered under subsection 2.

In any event, let us take clause (a), "details of the financial interests the person and his or her spouse and minor children have in corporations and other enterprises." That will have to be disclosed under a statement of assets, liabilities and family interests, so clause (a) adds nothing to what is in the bill right now.

Clause (b) does add something because it says that if the person or his or her spouse has a substantial financial interest in a widely held corporation--and I presume we are talking here about a corporation that the member or his spouse does not control--then details of the corporation's assets and liabilities, the corporation's interests in corporations and other enterprises, the corporation's real estate interests, including mortgages, and the corporation's contracts with the government of Ontario and with crown agencies should be given.

The trouble with that is you cannot get that information. If I am a shareholder of International Nickel and I write and ask the company for this stuff, I will get back a nice, polite "mind your own business" because the law in Ontario does not require them to tell a shareholder that. You will perhaps have seen cases where shareholders quite fevered go to the annual meeting and ask questions such as, "Do you own real estate in Chelmsford?" and the chairman of the board says, "Sandwiches will be served in the adjoining room at 4 p.m." They do not have give a shareholder that information. All they are obliged to give a shareholder is the information contained in the annual report, which is an audited asset and liability statement. For a widely held corporation, you could not compel that information if you wanted it.

The New Democratic Party has an amendment, which we can accept, about a controlled corporation. If I control the corporation, I can provide that information and should be required to do so, but if I do not control the corporation, I cannot do that. They are not even obliged to tell me at Inco whether they have a contract with the government of Ontario. Once I get sworn into office, I can probably find that out, maybe. There are a lot of contracts out there and there is no register of them. Clause (b) is just impossible for a member to perform. He cannot get that information.

Clause (c), "details of the real estate interests," is included in our bill, assets and liabilities. Clause (d), "details of debts," is included. A debt is a liability.

Subsection 4 says, "The disclosure statement need not include." These are things you do not have to tell the commissioner. We believe you should tell the commissioner every single thing. Whether he discloses it publicly

will be something that we come to in the next section, but I want to make it plain that I think you should be obliged to tell the commissioner every piece of information you can get your hands on about your assets and liabilities. That is what our act is designed to do.

I think subsection 4 is the most dangerous part of this amendment because it allows people to refuse to tell the commissioner things that probably will not be of interest in many cases but may at the end of the day be of interest. We ask the members to oppose this amendment.

Mr. Eves: I fully accept a lot of the statements the Attorney General has made. With respect to our subsection 3 amendment, we realize that in a lot of cases it may well be impractical. I might point out that the amendment would not even have had to be made if the government had accepted our proposed amendment with respect to divestment of cabinet ministers for shares in widely held corporations, which has been the practice in the province, although not through public disclosure, for the last 20 years anyway.

With respect to our proposed subsection 4, I fully appreciate what the Attorney General said. Perhaps the more proper place to make that amendment would be when we are dealing with section 12. Quite frankly, it is an oversight on my part. It was not the intent that that was not disclosed to the commissioner; that is more properly put where the public disclosure statement is dealt with.

Hon. Mr. Scott: I understand now. I think we are agreed that can be dealt with under section 12.

Mr. Breaugh: A more substantive issue has been raised by Mr. Cousens, who took the time, a rather unusual step, to write us all a letter. He points out that he feels that sections 11 to 15 are an infringement on the spouse's rights and he wants the matter referred to the Supreme Court for a ruling before these sections of the bill are legally binding. I think somewhere in the next few sections we have to deal with the request from Mr. Cousens to make that kind of determination.

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On the amendment, I do not have a problem with the government's proposal in this regard. I am not at all sure that I like the amendment put forward by the Conservative members. The reason I do not like the amendment is precisely why I have been lambasting the government from time to time. It really does seem to me that if you start out to say we will make a public disclosure statement or we will make a disclosure statement of any kind, and then you promptly proceed to list the 25,000 things that are excepted from that statement, you have done us all a great disservice. I appreciate what people are trying to do, here, but I do not think you can do it in quite this way.

We will not support the amendment. I want to caution that I think we are in a little bit of a problem here. Perhaps when we have dealt with this amendment we will deal with the larger question. I am not sure how fair and reasonable it is to impose on someone else a whole lot of obligations, whether that is simply the gathering up of information for a statement to the commissioner or whether something becomes eventually public in some sort, but I am reminded that in many jurisdiction where this committee has looked at this, everybody said the same thing.

You could start off by saying that the statements are made privately to

a commissioner, but sooner or later, whatever you try to do, all of that will become public knowledge in some way. In many jurisdictions they started off by saying you make a private disclosure to a commissioner or something like that, and some newspaper reporters got hold of that, it pointed them in the right direction and they pursued it. It is just like, under our disclosure statements here, someone would certainly have to pursue those statements a lot before they got any information out of it, but someone may. It may take a while but you get back to there. I think we have to deal with how you go about this.

I guess the conflict is best expressed by Mr. Cousens, who I am sure would advocate that there should be disclosure on the part of members. I am sure he would advocate that there has to be disclosure on the part of cabinet, "But not of my spouse," he says. "If you are going to do that, you had better get off to the Supreme Court and get a ruling." It does strike me that he has a point, that somebody somewhere is going to do that. My spouse and I sat down in 10 minutes and we discussed all the assets and liabilities we have. In financial terms, this does not take very long.

Hon. Mr. Scott: She has the major liability.

Mr. Breaugh: Yes, she is the one who has got the liability. She said much the same thing. I hope she has not been seeing a lawyer.

I do think there is going to be a problem with this at some point in time and I am not quite sure whether we have resolved it. I appreciate the concerns that are expressed by Mr. Cousens. I have heard him on other occasions express them at some length and, frankly, I do not share many of the concerns he has. I am in the phone book, people know where I live, they knock on my door. They do not do it all the time and they do not bother me very much, but I am a public person and I expect, when I go to the Midtown Mall in Oshawa, if some guy has a beef, he is going to stop me and give it to me. If I do not want that, I can get out of public life.

Part of what I have tried to explain to my family and my kids is that, "If you get arrested for drunk driving, you will not be on page 15 with the, 'Last night the OPP pulled somebody over;' you will be on page 1, and you had better get prepared for that. I know that you are not the person in public life, but you are associated with this one and you are going to have to live with that." I think everybody in public life understands there is a measure here and there are expectations put on you that nobody else has to bother with. If you do not like that or if you cannot stand that, you have an option, you can always get out of public life or you can do a Gary Hart thing, whatever you want to do.

I tend to think that what the government is proposing in terms of having other people make declarations of any sort is about as far as we can go for now. I have this awful feeling that everybody else is right, and sooner or later this is all going to be publicly documented and I rather regret that, but then, there are a lot of things about public life to regret these days.

In short, we are not going to support this amendment. I would like to hear the comments of the Attorney General on Mr. Cousen's concerns as he expressed them in writing. Whether you want to deal with them here or not, at some point in time we are going to have to.

Hon. Mr. Scott: Let me just say that the Aird report, the standing committee on public accounts last session and the standing committee on the

Legislative Assembly all went on record as favouring the requirement of disclosure of spouses' assets. They were dealing with spouses of cabinet ministers, and I will come to that in a moment. I think their sense was correct, which was that they did not want and Mr. Aird did not want to impede the right of a spouse, who did not choose to be in politics, to carry on a business in an orderly, progressive and perhaps profitable way, but they did think that the member of a spouse had to face the reality that he or she had a spouse who was in politics and that people would ask about the interests of the spouse. So the spouse of a minister should, in our view, be required to disclose to the commissioner his or her assets and liabilities.

When we come to section 12, as to what gets disclosed to the public, you will see that we have made major exceptions about what the spouse has to disclose to the public, in line with the kinds of concerns that Mr. Breaugh has discussed. We members have to disclose pretty well everything to the public, but the spouse should not have to. Amounts and various things like that should not be required to be disclosed.

Then we said to ourselves in planning the bill, "Is there some justification for requiring the spouse of cabinet ministers alone to file disclosure with the commissioner and exempt the spouses of members?" We concluded that was not justifiable. The theory of the whole act, for what it is worth, when it came to disclosure was that everybody would disclose. We recognize the realities that some are perceived by the public to have more important duties and others are perceived to have less important duties, but at the end of the day, that is a highly variable concept.

The last session of the parliament is a perfect example. There were some opposition members who, in a practical sense, had more important responsibilities than some cabinet ministers, including yours truly. We did not like that one bit, but that was the reality. So we decided then that all members and spouses should disclose.

I understand Mr. Cousens's concern, but I do not think he is going to win his case.

Mr. J. M. Johnson: What would happen if a member's spouse is not fussy about his or her wife or husband being in politics and refused to disclose? Would that member join the unemployed?

Hon. Mr. Scott: No. That is a very good point. As you will recall, it is the member who is obliged to disclose the assets of his or her spouse. That was deliberate, because under this bill, we cannot impose a legal obligation on somebody who is not a member. In the normal situation, I have no doubt that the member will go to the spouse and say, "Let us go over it because I, the member, have to tell the commissioner." That is fortified because the spouse is required to attend if she or he will at the interview with the commissioner.

I envisage that we are going to have spouses who are fighting with their member spouses or who just are not going to co-operate, and that will present a problem. The member will have to do the best he can. If there is any game-playing, it will come out in the wash at the end of the day. We are not imposing obligations on any spouses. The obligation is on the member to try to persuade his spouse to co-operate.

If there is going to be any game-playing here, we will want to think about it carefully, because you will go to your spouse, let us say your wife,

and say: "Look, don't co-operate because I do not want your assets to get listed. Don't co-operate." Maybe if she really loves you, she will say, "Okay, I won't co-operate." Then when she is going to divorce you six years later, she will say, "And I helped him hoodwink the Legislative Assembly," and then Dr. Johnson, you have got a major problem and you are fighting on two fronts. Those things all come out at the end of the day. I am not troubled about that.

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Mr. Eves: I withdraw the proposed amendments I made with respect to subsections 11(4) and 11(5) because, as the Attorney General has properly pointed out, they are more properly made under subsection 12(1); it was an oversight on our part. The only amendments I am moving here are the ones I read with respect to subsections 11(2) and 11(3).

Mr. Chairman: Shall we vote on those now then? All those in favour of Mr. Eves's amendments to subsections 11(2) and 11(3)?

All those opposed?

Motion negatived.

La motion est rejetée.

Mr. Eves: We have a further amendment to add a subsection 6, but I note there are other amendments, one the government has with respect to subsection 11(3), so you might want to deal with the rest of the section, Mr. Chairman, before I move the additional subsection.

Mr. Chairman: Why do you not deal with yours now and then we will deal with Mr. Breaugh's, if he has any, and then with the government's amendments.

Mr. Eves: Our subsection 11(6) is what the members have in front of them as subsection 11(10). We are also changing the wording slightly.

Hon. Mr. Scott: Subsection 11(10)?

Mr. Eves: Right.

Mr. Chairman: Mr. Eves moves that section 11 of the bill be further amended by adding the following subsection thereto:

"(6) The Premier shall review the disclosure statements of members of the executive council and parliamentary assistants before they are filed."

M. Eves propose que l'article 11 du projet de loi soit modifié par adjonction du paragraphe suivant:

«(6) Le premier ministre examine les états de divulgation des membres du Conseil des ministres et des adjoints parlementaires avant leur dépôt.»

Mr. Eves: The reason for this amendment was enunciated last week in that these are appointments the Premier himself or herself makes. Originally, the language was "approve." After discussion last week, we realized that this is perhaps too onerous a requirement, but we would like to have the responsibility upon the Premier of at least having to have had to look at or review the disclosure statements of the people he or she is appointing to the executive council or as parliamentary assistants.

Those positions are not elected positions, as everybody knows. They are strictly the appointments of the Premier and we think there should at least be some obligation or responsibility of the Premier to review those documents.

Hon. Mr. Scott: We are opposed to the amendment. Let me tell you briefly why. In the ordinary situation, we will be dealing with an election when a new government or a new ministry comes in and there is a new Legislature. The Premier's first obligation will be to select a cabinet. He would be a very imprudent figure if in making his cabinet appointments, he did not himself do a thorough investigation and interview of the applicants before making the appointments, but it is not until the appointments are made that the obligation to cease carrying on business and the other obligations under section 7 occur.

The members will have the disclosure statement in the hands of the Clerk at precisely the same time as the Premier has it. They should have it at the same time. The Premier should not have it ahead of anybody. They should all have it together. If it is disclosed on that statement, unknown to the Premier, that a certain minister owns assets and should not be in a portfolio dealing with those assets, then the Premier is on the hook and he has to make a decision to eject him from the cabinet or move him or face the music.

I do not see why the Premier should have a special look-in on the disclosure statements. He has to make the judgements Premiers traditionally make. The value of this system is that the way he makes those judgements can be examined by the public because at the same time as he gets it, they will get the disclosure statement.

Mr. Breaugh: We will support this amendment. I think the argument has to be made that somehow something like this gets inserted in here. The bill is basically taking the stance that because you are a person who owns big investments in mines, it does not necessarily mean you will be kept out of the cabinet, but it may mean you will not be Minister of Mines. Because your husband is a major builder in Ontario, that too does not keep you out of cabinet, but it may mean you cannot be Minister of Government Services. That premise is very strong in the act.

Somewhere in there is the clear understanding that the Premier will be aware of all this, and as the Attorney General just said, politically he has to be. The difficulty I see is that in the absence of something like this, the likely thing for the Premier to say is: "Oh, Jeez, I did not pay any attention to that. I did not read those. I thought somebody else was doing it. That was the responsibility of the commissioner, not me. I have no knowledge of this."

I have heard this act and it does not have much credibility with me, frankly. I would argue that somewhere in the act there must be an acknowledgement that the Premier is aware of these statements, is aware of where the conflicts are and that this will in some way perhaps influence his decisions about who gets what cabinet position. I would argue that you cannot really say, "We have handled the conflicts by means of this legislation and it may mean that somebody cannot be in a certain portfolio, but it does not mean he is excluded from the cabinet."

You cannot take that line of argument without saying somewhere in the heart of the bill, "We do not just let this go until someone puts out an allegation and a finding is made by the commissioner that yes, indeed, he should not have done that and the Premier simply says, 'Oh, well, I did not know; I did not read those documents'"--this Premier (Mr. Peterson), for

example, has already said that many times--"I thought somebody else had done what he was supposed to do."

In the two hearings we have had, the two inquiries on allegations of conflict, that was a very often heard line: "I did not know I was supposed to do that. I was not aware somebody was supposed to have filed pieces of paper. I had no knowledge of that."

I am prepared to accept your line that people perhaps can be excluded from certain portfolios but not excluded from cabinet, but it seems to me this only makes sense when you say, "The reason we can accept that is that there is an obligation, at least this much, on the part of the Premier to declare that he is knowledgeable about the disclosure statements," and that you will resolve the conflict that way.

Hon. Mr. Scott: Mr. Breaugh, I am with you and I say that not only to cajole your vote, because I really am. I understand the problem you refer to. The difficulty is not the problem; the difficulty is devising a solution.

When we were drafting this, I envisaged that you might have some kind of pre-exercise before someone was appointed to the cabinet, but that is not going to work because the major difference between a cabinet minister and a member of the council is the injunctions under section 7. When the Premier, for example, called me in--I will not tell you what he said but you can imagine that he might have said: "Look, Scott, you have been in opposition. You have been a partner in this law firm for a month. I would like you to be in the cabinet but I will expect you to give up your partnership and pay whatever premium is associated with surrendering it." You say yes or no. If you say no, you get shown the door, presumably. I said yes, and he said: "All right. On your undertaking to do that--I understand it will take a couple of weeks--I will nominate you as Attorney General." Then I go away and make the arrangements to do it.

I suppose he should, and would, every day say: "Have you done it?" "Have you done it?" But when I make disclosure to the commissioner, that is going to be the moment when it is determined whether I have done it and I guess the question is, should the Premier see the disclosure statements before the commissioner lays them on the Clerk's table, and if so, how many days before? We are asking the commissioner to file them as soon as practicable and if the Premier is going to see them five days before the House sees them, I guess that is all right with me, but what difference is it going to make? When the thing is public, the question, "Is the right person in that slot?" is squarely on the agenda.

If the disclosure statement shows that I am still running my law firm, he is going to have to deal with that right then, as soon as the disclosure statement is on the table. I suppose it gives him an advantage if you let him see the disclosure statements five days before everybody else. As everyone knows, what that means is not that he sees them five days before you do, but that you see them five days later than you normally would have, in order to give him an advance look at them.

I do not think he should have an advance look at them as a matter of principle. I think the House should see them when the commissioner is ready to produce them. If the Premier has done an inadequate job of vetting his appointments, when the statements are out he is going to pay the price and someone is going to lose his head. It always was thus.

1530

Mr. Breaugh: OK. I hear the message, but as one who did accept, for example, in the last round of things, in a lot of occasions that somebody had good intentions and thought someone else was doing what they were supposed to do, but just did not do it. I accepted that. In many ways, I do not regret it, but I accepted it in part because we had a new cabinet and a new Premier. I was aware that there was tremendous turmoil and change going on and a lot of people had expectations put on them to file papers that were just unreal. They did not even know where the assembly was and they were expected to do all kinds of things.

I do not think that defence is going to hold any more. If you vote this little amendment down--and I do not think it is a substantive one at all--just let me serve notice to you that whether the Premier has any obligation to look at those statements, whether he has any obligation under this act, I anticipate that the Premier of Ontario is responsible for all of what the cabinet does. He is supposed to know what is in those disclosure statements. He is supposed to know where all of those conflicts might arise in his cabinet on a day-by-day basis. All this amendment does is just kind of put that in law; that there is a legal obligation.

Legal or not, notice is being given here by everybody that this is the expectation and that what was true a year ago, that people did not know how things operated around here, is not true any more and no one can ever use that defence again.

Hon. Mr. Scott: Look, there are only a certain number of situations. One situation is where the member going into the cabinet tells the Premier one thing and tells the commissioner another. One situation is where the member going into the cabinet tells the Premier and the commissioner the same thing and the Premier judges that it is innocent and the commissioner judges it to be a conflict. Whether I can carry on the practice of law would be an example.

In the first case, the Premier is technically responsible. He has appointed a minister who has lied to him. Whether the House will excuse him when the facts are disclosed will be for the House to say, but he will be able to say: "Look, the member did not tell me that. I now know it, and out he goes." In the second case where the member has told him exactly what he has told the commissioner and the commissioner judges it to be a conflict of interest, then the Premier says, "That was not my judgement, but now that the commissioner has made it, it is game over in the sense that I submit to the commissioner's judgement and he goes out." I do not know what happens then. Everybody yells. That seems to be the way we do it. It is Thursday and we go home.

The question is, if you were going to pass this, how many days earlier do you want the Premier to see this? I just do not understand why he should see it earlier.

Mr. Breaugh: OK. Just to conclude my argument on it, I do not see this as being an argument about whether the Premier sees these forms five days before anybody else. I see this as being an argument about the responsibility of being the Premier of the cabinet. I know some will argue that what we have done with all conflict of interest now is we have said that has nothing to do with the Premier or the cabinet or the Legislature. We have a commissioner here, you file pieces of paper and that is it; the commissioner catches you, you are nailed and the Premier has nothing to do with any of this.

I am serving notice that I do not believe that to be true. Whether this passes or not, we are using this occasion to express our belief, my belief, that the Premier is responsible for this stuff.

Hon. Mr. Scott: That is the speech you make the first time the commissioner exonerates a cabinet minister when you think he should not have been exonerated. You then pull that out and that is the speech you make. You know, it is great stuff.

Mr. Chairman: All those in favour of the amendment? All those opposed?

Motion negatived.

La motion est rejetée.

Mr. Chairman: Is there anything further on section 11?

Mr. Breaugh: Yes. I have a whole lot of things on section 11. How do you want to handle them? You yourself have government amendments.

Mr. Chairman: I know. I am just inviting you to--

Hon. Mr. Scott: Why not take the NDP amendments first?

Mr. Chairman: Yes. Mr. Breaugh, proceed.

Mr. Breaugh: OK. I think I would like to do the one which you will find as section 11a, as I think that is the most pertinent of the arguments. I think we can leave it in its current form. Should it carry, there may be a need to renumber, but I do not think there will be.

Mr. Chairman: Mr. Breaugh moves that section 11 be amended by adding thereto the following section:

"11a(1) The commissioner may, in writing, direct a member to dispose of an asset or financial interest, or to extinguish a liability within the time and in the manner that the commissioner specifies.

"(2) The commissioner may, in writing, direct a member to cause a private company as defined in the Securities Act that the member controls to dispose of an asset or a financial interest or to extinguish a liability within the time and in the manner that the commissioner specifies.

"(3) The member shall comply with the direction."

M. Breaugh propose que le projet de loi soit modifié par adjonction de l'article suivant:

«11a(1) Le commissaire peut, par écrit, ordonner au membre de se dessaisir d'un élément d'actif ou d'un intérêt financier ou d'acquitter un élément de passif, dans le délai et de la manière que précise le commissaire.

«(2) Le commissaire peut, par écrit, ordonner au membre de faire en sorte qu'une compagnie privée au sens de la Loi sur les valeurs mobilières dont le membre a le contrôle, se dessaisisse d'un élément d'actif ou d'un intérêt financier ou acquitte un élément de passif, dans le délai et de la manière que précise le commissaire.

«(3) Le membre se conforme à l'ordre.»

Hon. Mr. Scott: This is the divestment motion, is it not?

Mr. Breaugh: Yes.

Hon. Mr. Scott: We are opposed to this for reasons we have given in the preliminary argument. It is a very draconian power that only a socialist with a capital S who has no respect for private interests could possibly move.

If I owned a house or a property, this commissioner, if you accept the NDP motion, could direct me to sell it. That is an extraordinary thing. I do not care if he says to me, "Look, Mr. Scott, as long as you own it, you can't be in cabinet, or you can't be this minister or you'll be in a position of conflict and you'll have to vacate your seat." I do not mind if he says that and I will make the judgement about whether I want to be in the cabinet when he tells me what the alternatives are.

But if he directs me to sell it and I do not want to sell it, I have to sell it. There is no appeal. There is no review by anybody. I just have to unload it. The fact that I want to give up my seat is, by then, too late. That is capital-S stuff.

Mr. Breaugh: Only a running dog capitalist pig would vote against this kind of amendment. It is clear, for example, that raving socialists like Bill Davis did this quite regularly. He turned to members in his cabinet and said, "In order to become a member of my cabinet, you have to get rid of this company or your interests in this company."

So I do not mind joining people like Bill Davis, who is a moderate socialist, and generally seemed to be a nice fellow from Brampton. I think that is good company to keep, but I think it does get to the question. If you are going to say that the role of a commissioner is simply to accept pieces of paper and file certain documents at a given time, if he is perhaps even to know that a real conflict will exist here, it would be such a tragedy for him to have only that passive role and not be able to say, "There must be a divestment here."

I do not anticipate, frankly, that a commissioner would do this very often. Certainly, when Mr. Davis set his guidelines for his cabinet, it was a rare occurrence when Bill Davis said to somebody in his cabinet, "You have to get rid of this interest."

It happened so infrequently that I have no qualms about putting this forward as an amendment. We have had this argument on other days and I think it is useful to go over it again. I believe very strongly that without this, without something like this amendment, which causes the commissioner to have the power to make someone divest himself of an interest, a financial interest, the bill is worthless.

I think it guts every intention that is there if the commissioner is empowered only to review documents and file pieces of paper. If he cannot, it seems to me no one can. I have heard the argument that, of course, the individual member always has the right to get rid of a conflict by selling it, selling off an interest in a company, a piece of property, whatever it might be. In that sense, they have the right to divest, and in many instances that is what Bill Davis said to people who wanted to get into his cabinet. "If you want to be a member of my cabinet, you have to get out of that business."

That is, in a sense, what Mr. Peterson said to Mr. Scott, "If you want to be Attorney General, you have to get out of practising law in Ontario."

That is fine, because in those instances, things are pretty clear and there is no argument.

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But there is an off chance that the only person in Ontario who really knows about this conflict is the commissioner. It may well be the case that the only system that is set up which is in great detail is between the member of the cabinet and the commissioner involved here. So the only person who may know of a real conflict will be the commissioner, and yet he cannot say to the member, "You have to divest." The commissioner's obligation is only to file pieces of paper and then wait for the allegations to arise, and then he may investigate. That would be a very wrong thing to do, and I think that is precisely what we have set out to do.

Without going on at great length, I believe this is one little piece of business that we really must have if we are to have anything that is worth anything. I do not want to be a stickler about language and I do not want to be a stickler about format or process, but I believe very strongly, as I have from the beginning, that if there is no power to cause to divest, there is no power in this bill. It is a useless bill. It is very much a sham.

I would put to you that in our own caucus when we discuss this, we have people with widely differing views from mine on the matter. There are some who really believe that you cannot continue to do business and be in the cabinet, for example, and I know there are a few in other parties who believe very strongly in that technique as well.

What we have put forward is a pretty moderate, compromise kind of thing; I do not anticipate that it would even be a clause in the bill that would be used very often. But I do think it needs to be there, if for no other reason than that the people of Ontario have a right to expect that when we purport to pass a law dealing with conflict of interest, we really have provided for some measures to deal with the conflict. Without some clause in here which allows the commissioner to cause divesting to occur, we will not have done so and we will have misled people immensely.

Now, I do get upset when we talk about a public disclosure process which does not disclose anything to the public, but my discomfort with that type of thing is very mild indeed compared to something which says, "We have provided you with an act of the Legislature to deal with the behaviour of members, but even when the commissioner knows there is a conflict, he cannot do anything about it." That would be really silly, wrong and misleading. So I feel very strongly that in whatever form you want, in whatever place you want, in whatever language you want, that principle has to be part of this bill. The government is steadfastly rejecting that, and that causes me immense problems.

Mr. Cordiano: I think this amendment is presuming that indeed the onus would be on the commissioner to make that kind of decision, and I understand that. But I have to go back to the premise that it would indeed still be the responsibility of the Premier to make that kind of decision with respect to someone going into a particular portfolio: someone would not be the Minister of Mines, for example, who is not well suited because that person owns a mine. I cannot foresee a situation, quite frankly, where that would happen and where there would not be a price to pay as far as the Premier is concerned: having made that decision and then, subsequent to that, someone finding out that, indeed, this member of cabinet now is in a gross violation of the rules.

So causing that person to divest is really a decision that the Premier would have to make at the point in time at which he is appointing this person to cabinet. If he says, indeed, that this person could not be in that particular portfolio, I cannot foresee a situation when there is going to be a conflict where it would be required that this individual would have to divest himself or herself of that particular asset.

Mr. Polsinelli: I agree with my colleague Mr. Cordiano. I think he raises a very good point, the point being, what criterion would the commissioner use to order a divestment? Would the criterion be that the interest or the asset that the individual has may be perceived as a conflict? Would it be that he happens to be the Minister of Mines and he owns mining shares? Mr. Cordiano rightly points out that that is a decision that should be made by the Premier when he is deciding to appoint an individual to cabinet. If he feels that the assets and the liabilities that the individual holds are such that he cannot carry on a particular portfolio, then he will make that decision. Just passing this motion the way it is basically says to the commissioner, "You have a power but there are no rules towards the exercise of that power." That is one of the things that concerns me about it also.

Hon. Mr. Scott: It seems to me that Mr. Breaugh in his very forceful piece recognizes that he is on losing ground here in a logical sense. First of all, he is talking about divestment of the member's interest only; he has not extended this to divestment of a spouse's or minor child's interest. He recognizes clearly that when there is a dispute or a complaint as a result of disclosure, the remedy of the commissioner to order the member to vacate his seat is an adequate remedy. That is why the example he gives very carefully is a case where the commissioner alone will know about the conflict and nobody else will. He pins his case very forcefully that there is going to be something that the commissioner knows about a member's holding that creates a conflict for the member in his portfolio that the public and the other members in the assembly are not going to know. Now what would that be?

If you look, when we come to section 12, about what the member has to disclose, he will have had to disclose everything. There are some amounts and the value of one's house and some other exemptions about areas where there are bonds, guaranteed income certificates and so on, but basically he will have to disclose everything, with those exceptions, to the members that he has disclosed to the commissioner. I can think of no example where the commissioner could have information that would give rise to the conflict leading to a divestment order where that information, perhaps 60 days later, would not be laid on each of the members.

If it turns out that a man holds mining shares and he should not be the Minister of Mines, and that is the case after the disclosure statement--only the minister and the commissioner know that and the member should be ordered to sell them--in 60 days the members are going to know that. Then, if they say to the commissioner, "We don't like this," he can order that person to vacate his seat. The member will then have the choice of vacating his set or selling his shares. Indeed, by that stage, he may not have his choice; he may have to vacate his seat. I think the very narrow case on which Mr. Breaugh builds the need for this special remedy simply is not going to be there on the facts.

Mr. Eves: Although I have some sympathy for the principle behind Mr. Breaugh's amendment--we gave our party's position with respect to divestment yesterday--I have some difficulty with the amendment the way it is worded, in that it seems to be rather broad. I do not always agree with the Attorney General, but in this instance I might have to bow to some of the comments he made earlier.

Mr. Breaugh: Same old gang; 44 years, the same stuff.

Mr. Chairman: All those in favour of the amendment which Mr. Breaugh has before us, section 11a?

Mr. Polsinelli: He is going to call for a division.

Mr. Chairman: Do you want a recorded vote on this?

Mr. Breaugh: Yes, I do.

Interjections.

Mr. Chairman: We will adjourn for 20 minutes.

The committee recessed at 3:49 p.m.

1555

Mr. Chairman: I call the committee meeting to order. The Attorney General cannot be with us. As you know, he has another important engagement. We will proceed with the vote, after which we will just discuss the scheduling of future meetings.

The committee divided on Mr. Breaugh's amendment, which was negatived on the following vote:

La motion de M. Breaugh, mise aux voix, est rejetée.

Ayes/Pour

Breaugh, Philip.

Nays/Contre

Cordiano, Faubert, Johnson, J. M., Polsinelli, Mrs. Sullivan.

Ayes/pour 2; nays/contre 5.

Mr. Chairman: What about section 11(2)(a), Mr. Breaugh? Do you want to vote on that too?

Mr. Breaugh: It was my understanding that the government was going to accept this. In the absence of the Attorney General, it is a bit presumptuous for me to make that statement.

Mr. Chairman: I understand the Attorney General would accept it. The government has a similar amendment prepared.

Mr. Breaugh moves that clause 11(2)(a) of the bill be struck out and the following substituted therefor:

"(a) a statement of the assets, liabilities and financial interests of the member, the member's spouse and minor children in private companies as defined in the Securities Act, controlled by any of them."

M. Breaugh propose que l'alinéa 11(2)a) du projet de loi soit remplacé par ce qui suit:

«a) un état de l'actif, du passif et des intérêts financiers du membre, de son conjoint et de ses enfants mineurs, et des compagnies privées au sens de la Loi sur les valeurs mobilières dont l'un quelconque d'entre eux a le contrôle.»

Motion agreed to.

La motion est adoptée.

1600

Mr. Breaugh: Mr. Chairman, can I suggest to you that this might be an appropriate point at which to break for this afternoon and resume tomorrow?

Mr. Polsinelli: I have a minor amendment to subsection 11(3) and I would not mind getting that out of the way.

Mr. Breaugh: There is at least one other amendment to this section that I am aware of. I guess I do not have any trouble dealing with that one if you want to do it, but I am saying let us call a halt to it. I am reluctant to proceed with the bill in the absence of the Attorney General.

Mr. Chairman: Yes. If we have amendments where he has agreed, I am prepared to entertain those. If there is not agreement, I think we should wait until tomorrow morning.

Mr. Polsinelli: I have a minor amendment to subsection 11(3). If the opposition parties are prepared to accept this without any debate, we will get it out of the way. If not, we will do it tomorrow morning.

Mr. Chairman: Mr. Polsinelli moves that subsection 11(3) of the bill be amended by striking out "their obligations" in the last line and inserting in lieu thereof "the member's obligations."

Mr. Polsinelli propose que le paragraphe 11(3) du projet de loi soit modifié par substitution, aux mots «leurs obligations» à la dernière ligne, des mots «les obligations du membre».

This is just a clarification of the wording.

All those in favour of that amendment?

All those opposed?

Motion agreed to.

La motion est adoptée.

Mr. Chairman: Did you have another minor amendment, Mr. Breaugh?

Mr. Breaugh: Not to that section, I do not think. It seems to me I saw one from someone.

Mr. Chairman: All those in favour of section 11 as amended?

Mr. Faubert: Are there no other amendments to section 11?

Mr. Chairman: No.

Mr. Faubert: I have a clarification on section 11. Actually, I wanted the Attorney General here because it changes or defines clause 11(2)(b). I ran into this when I was making my statement before the commissioner and he agreed that it was an ambiguity. It is clause 11(2)(b) where it says "a statement of any income the member and the member's spouse and minor children, and private companies as defined in the Securities Act controlled by any of them, have received in the preceeding 12 months or are entitled to receive in the next 12 months and the source of the income."

Is that an inclusive "or" or should that be "and"? Does that mean you file for the intent of this clause your sources of income for the past 12 months and the succeeding 12 months? It could not be answered at that time.

Mr. Chairman: Mr. Faubert, I am going to ask legislative counsel to comment on this.

Mr. Breaugh: I have no objection if you want to just leave things as they are and we will carry the final vote on this section tomorrow when the Attorney General is here.

Mr. Chairman: We could do that, leave the final passing of this section rather than close it off. We could leave it until tomorrow.

Mr. Breaugh: Why do we not do that?

Mr. Chairman: Two things: One is that we will leave section 11 open until tomorrow morning and deal with it first thing in the morning. The second aspect or second matter that has been raised with me is that as you know, section 5 is still open. There is some further concern. I am wondering whether members have any concerns about that right now which they might wish to express in order that the Attorney General will be apprised of them. They could be taken into consideration before we deal with it, maybe tomorrow. I am particularly thinking, Mr. Breaugh, that you had some earlier.

Mr. Breaugh: A comment on it: The Attorney General, I believe yesterday, read out a proposed change to it but I have not yet seen the printed version of it. It would be helpful if that could be circulated now in order to let us have a look at that.

Mr. Chairman: Yes, it is prepared, Mr. Breaugh, and it will be circulated right now.

Mr. Breaugh: OK.

Mr. Chairman: That being done, we can deal with section 5 hopefully tomorrow morning then.

Mr. Breaugh: I put it to you that I prefer to see us do this in the normal manner and that is to go through all the sections.

Mr. Chairman: Proceed all the way through and then come back.

Mr. Breaugh: Go back and pick up those sections that we have stood down. I believe there are two, section 1 and section 5.

Mr. Chairman: Yes, section 1 is still open.

Mr. Breaugh: OK?

Mr. Chairman: It is done both ways. If you wish, we can proceed on that basis. One other thing: I understand the Attorney General cannot be with us on Friday morning. There was some additional talk whether we should sit on Friday. I recognize that we agreed earlier today that we were going to sit Friday, but the Attorney General has informed me he cannot be with us Friday morning. That leaves the possibility of sitting Friday afternoon. When Mr. Philip made the motion to sit on Friday, he originally only included Friday morning but then he made it the whole day. I am at your service. If you want to sit Friday morning without the Attorney General, you can do that; you can sit Friday afternoon with the Attorney General; or you can leave Friday and I will be in touch with the House leaders to sit on Monday.

Mr. Breaugh has told me that he thinks--I hope I am not talking out of turn--we can finish with one more day after tomorrow, which would mean Monday. If we are going to sit Monday, I would like to get the concurrence of the committee to sit Monday but also to sit later if necessary. I do not want to sit Monday until four o'clock and all of a sudden find out that with another hour or two--if at all possible, if we have to sit Monday, I would like to sit Monday but finish off even if we have to go later and even if we have to have dinner brought in.

Mr. Eves: I have a couple of comments. First, I certainly will not be here on Monday, nor will Mr. Sterling who is going to be substituting for me in the committee tomorrow because his presence is required in another committee. Second, you are going to have a tough time talking to our House leader because he is currently out of the country and will not be back until Monday.

Mr. Chairman: Can we talk with the whip?

Mr. Eves: I am here.

Mr. Chairman: I am aware of that, Mr. Eves, and that is why I mentioned it. The question would be, since we do not have authority to sit on Monday, we would have to get the concurrence of the House leaders or their substitutes to sit on Monday and then they would have a motion introduced in the House when we come back on February 8 in order to make that legitimate.

Mr. Eves: Quite frankly, I would have to confer with Mr. Sterling. He is our deputy House leader. He is the individual whose time and presence is going to be required on Monday because I will be out of the country on Monday: I would have to talk to him first. He will be here tomorrow. You can deal with him in person.

Mr. Chairman: The problem is, if we do not have this resolved very shortly, there is going to be a lapse of about a month or more before you get back at it and then a lot of the arguments, which are fresh in your minds right now, will have to be repeat. It means an extensive delay. It would be much preferable if we could deal with it this week, and if not this week, then Monday, and that would be it. I am assuming we would deal with it and conclude with it on Monday.

Mr. Eves: I will talk to Mr. Sterling and he will be here tomorrow morning. He can apprise you.

Mr. Chairman: Do you see any problem with that?

Mr. Eves: Not if Mr. Sterling can be here on Monday.

Mr. Chairman: You have a very able assistant, Mr. Johnson.

Mr. Eves: We will take all those factors into consideration.

Mr. Chairman: Any other comments?

Mr. Philip: The only comment is that if we cannot have the Conservatives here, we obviously cannot proceed.

Mr. Eves: I do not want to speak on behalf of Mr. Sterling, but Monday morning may fit into his schedule. I believe the committee he is on is not going to start sitting until Monday afternoon, but I do not know that for a fact.

Mr. Chairman: If that were to occur, maybe he could absent himself from the other committee for a few minutes in the afternoon and deal with these matters. We would start at 10 o'clock sharp Monday, provided, of course, that I can get your concurrence, that of the New Democratic Party and that of the government.

Mr. Breaugh: In case it is in question, we are prepared to sit whenever everybody can get together and do it, but there is no sense proceeding with this bill in the absence of the Attorney General. I would like to accommodate people as much as we can, but that would be silly. If you give us one or two days' notice, we can have troops available to do battle any time you want.

Mr. Cordiano: Let us deal with this tomorrow morning when Mr. Sterling comes and get his notion of when he can be here.

Mr. Breaugh: Good idea.

Mr. McClelland: Are we on or off on Friday?

Mr. Chairman: That is the question.

Mr. Cordiano: It seems we certainly cannot meet on Friday. We have ruled that out.

Mr. Chairman: Yes, because the Attorney General is not going to be here.

Mr. Cordiano: Consequently, we are going to have to decide whether we can meet on Monday or the next available time.

Mr. Chairman: Let me put it to you right now. Is there anybody who cannot see why we cannot finish it on Monday or go late if we have to go late? In other words, if we are going to sit Monday, let us be prepared to sit late on Monday, if necessary, in order to conclude this bill.

Mr. McClelland: Mr. Philip and I cannot sit late on Monday.

Mr. Philip: That is right. You and I are debating free trade on Monday.

Mr. Chairman: Can you get a substitute?

Mr. Cordiano: Let us try to determine this tomorrow morning.

Mr. Chairman: That is fine. If you both agree you are not going to get a sub, then you both agree you are not going to get a sub.

Mr. Breaugh: We can decide tomorrow. You are not going to solve anything now.

Mr. J. M. Johnson: It depends on the AG's schedule.

Mr. Chairman: The AG is available on Monday.

Mr. Eves: Is he available until five tomorrow, for example?

Mr. Chairman: He is available at 10 o'clock tomorrow, all day tomorrow, with the exception of, he thinks, about half an hour around three o'clock, when, as he indicated earlier to the committee, he has to meet some people coming in to meet with the Premier. We can maybe stretch that day tomorrow a little in order to get a little more business in, but I know we cannot start before 10.

Mr. Breaugh: I can come in on Saturday but I have to meet a couple of guys at the south end at 11:35.

The committee adjourned at 4:12 p.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

MEMBERS' CONFLICT OF INTEREST ACT

THURSDAY, JANUARY 21, 1988

Morning Sitting



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)

Breaugh, Michael J. (Oshawa NDP)

Cordiano, Joseph (Lawrence L)

Faubert, Frank (Scarborough-Ellesmere L)

Johnson, Jack (Wellington PC)

McClelland, Carman (Brampton North L)

Polsinelli, Claudio (Yorkview L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

Swart, Mel (Welland-Thorold NDP)

Substitution:

LeBourdais, Linda (Etobicoke West L) for Mr. Morin

Clerk: Forsyth, Smirle

Staff:

Schuh, Cornelia, Deputy Senior Legislative Counsel

Klein, Susan, Legislative Counsel

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Thursday, January 21, 1988

The committee met at 10:08 a.m. in room 230.

MEMBERS' CONFLICT OF INTEREST ACT

(continued)

LOI SUR LES CONFLITS D'INTERETS DES MEMBRES DE L'ASSEMBLEE
(suite)

Consideration of Bill 1, An Act to provide for greater Certainty in the Reconciliation of the Personal Interests of Members of the Assembly and the Executive Council with their Duties of Office.

Etude du projet de loi 1, Loi assurant une plus grande certitude quant au rapprochement des intérêts personnels des membres de l'Assemblée et du Conseil des ministres avec les devoirs de leurs fonctions.

Section/article 11:

Mr. Chairman: I call this committee meeting to order. You will recall that yesterday we essentially had finished with section 11, the disclosure section, but we had not closed off the section because members wanted to leave it open in case there was something else they wanted to bring forward today. If there is nothing further to that section--

Hon. Mr. Scott: I think Mr. Faubert--

Mr. Chairman: If you have an amendment, that is fine.

Mr. Breaugh: I think Mr. Faubert just had a question.

Mr. Chairman: Mr. Faubert, do you have a question on that?

Mr. Faubert: I have a question on the interpretation of clause 11(2)(b)--and the ambiguity might be in the reading but not in the reality of this--when I filed my statement before the commissioner.

Clause 11(2)(b) is a continuation of the reading of the sentence, and it says, "a statement of any income the member and the member's spouse and minor children, and private companies as defined in the Securities Act controlled by any of them, have received in the preceding 12 months or are entitled to receive in the next 12 months and the source of the income...."

What is the interpretation of that? Does that mean you file for the previous 12 months and the next 12 months? Is it really "and" or "or"? Is it exclusionary, or does it include both time periods? I think that interpretation is the one I was looking for.

Hon. Mr. Scott: I can tell you that we intended to require you to provide the information for both time periods. The problem arises because the two possible words that you could insert there, "and" or "or," can both be read, English not being a perfect instrument, as either conjunctive or disjunctive; that is, offering a choice or requiring both choices to be

performed. The English rule is that you decide whether it is conjunctive or disjunctive by the context in which the word is used. I guess that is why the little anagram "and/or" has been developed, because of that confusion, but that anagram cannot be used in legislation.

In this context, "or" is conjunctive in the sense that in my opinion it requires you to do both things, and that is certainly the intention of the legislation. I draw to your attention that if you put "and" in there in place of "or," you would open the section to another interpretation, which is that you would only be obliged to declare income if it was derived from both periods. That, of course, is not intended either. So I think "or" is, for grammarians, the right choice.

Mr. Faubert: Thank you.

Mr. Chairman: OK. Does that satisfy you, Mr. Faubert?

Mr. Faubert: It was the interpretation I wanted on the record.

Hon. Mr. Scott: Off the record, what did you have in mind here?

Mr. Faubert: The confusion arose down at the commission itself when I was filing the statement. That is why I wanted the intent of the section on the record.

Section 11 agreed to.

L'article 11 est adopté.

Section/article 12:

Mr. Chairman: This section deals with the public disclosure statement. Minister, I know you have dealt with this once before--I mentioned it to you--but maybe we could get this on the record, because if I do not do it, someone else will; it is with regard to section 12, where it says:

"After meeting with the member, and with the member's spouse if the spouse is available, the commissioner shall prepare a public disclosure statement containing all relevant information provided by the member, and by the member's spouse if the spouse met with the commissioner, in respect of the member, the spouse and minor children...."

You will recall I mentioned to you that saying "and by the member's spouse if the spouse met with the commissioner" almost leaves the impression that if the spouse did not meet with the commissioner, you do not have to give the relevant information.

Hon. Mr. Scott: That is not the reading that I make of the section. I read the section as requiring the commissioner to prepare a statement which will disclose what the commissioner has been told about the income of the member and the spouse by whoever appeared before him for the interview. I think that is made plain if you look at section 11, which requires the member, not the spouse, to make a disclosure statement which will include, in so far as he/she knows it, the income of the spouse and minor children. I do not think there is any problem created by that possible interpretation.

Mr. Breaugh: Perhaps it is more appropriate under this section than any other. I want to go through what we can do to make the disclosure

statement itself something that means something to somebody. I would be interested in hearing what the minister might propose to try to do that.

Hon. Mr. Scott: I am not sure I have a proposal, although I would be glad to hear what the committee has to say. The problem confronted, it seems to me, is primarily a problem that relates to assets and is primarily a problem, if Mr. Breaugh's example is typical, of assets which include shares of a company.

Let us say you list 100 shares of either International Nickel, Grand and Toy or a numbered Ontario company. The problem presented is this: The name of the company may tell you nothing or little about the business that the company is in. Certainly the name of a numbered company tells you nothing. The name International Nickel does not tell you very much either. You can predict with a fair degree of certainty one of the businesses International Nickel is in; that is, the production of nickel, though it does not seem to be doing all that much of that lately. You cannot from its name tell yourself anything about the wide variety of other diversified interests that International Nickel may have, to say nothing of the land holdings it may have, the mortgages it may hold and so on.

So the name of the company, whether a number is given or there is some attempted description, Acme Trucking or International Nickel, may tell you nothing about the nature of the company's business and in certain instances may in fact mislead you. You might find that the Acme Printing Co. is not in the printing business at all but is in the land development business, if it has diversified to that extent.

How do you get, as Mr. Breaugh wants, a more accurate description of what the company does?

First of all, with respect to a publicly held or privately held company that the member does not control, as I said yesterday, you cannot get that information. You could not get that information if you wrote the president, and you could not get that information if you went to the shareholders' meeting. Whether that information is released and the degree of accuracy that is represented is entirely for the company, under our rules, to say.

The company, apart from the disclosure it makes to the corporations branch, which is very limited, does not have to tell anybody, even a shareholder, about those things. The member could make a guess, but there is every prospect that at the critical moment the guess would have to be simply that, a guess, and probably inaccurate. I could not tell you what International Nickel owns any more than I could get a trip to England.

When it comes to a company that the member controls, that information can be forthcoming, and we indeed have provided for disclosure of that to the commissioner. Where the member controls it, the commissioner will be able to get, and should, I think, subject to the rules under section 12, disclose in considerable detail what that company owns.

How to deal with public companies that are widely held is going to require, it seems to me, if we want to pursue it, a pretty fundamental rewriting of the corporations law.

Mr. Breaugh: I will tell you precisely what my problem is. In reading the bill, subsection 3 seems to me to be fairly clear. There is an

obligation here that the statement will make reference to the nature of the assets and the name and location of persons or institutions against whom the assets are held.

I do not want to get into all of this, whether it is a public corporation, a private corporation and all that. We may have to. I read it to be silent on the matter of the value of these. Again, I am trying to move with some caution here. It is not really relevant, in my view, to try to search for exact value. What I would be satisfied with would be, I guess, statements that indicate whether one has a large investment in a corporation or whether one has a minimal investment.

To use the distinction that would come to mind off the current disclosure statements, it is not particularly relevant that somebody has one share in a co-op development some place. If the member owned 50 per cent of it, though, that would be relevant. If somebody had a minor investment of \$300 or \$400 in some company that was being traded on the market, that is not very much in the way of a stake in what that company does, but if it was a \$50,000 investment, I think it does make a difference. So I would disagree with Mr. Aird on whether the value of the investment is relevant. I believe that it is.

I guess what I am saying is that without getting into something that is particularly cumbersome, I want some information put in the public disclosure that makes that of some value, as I perceive the current ones to be of no value.

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Hon. Mr. Scott: Let me tell you what we have, because I think our objectives are the same. Here is what we have.

The member will disclose, and the disclosure statement reveal, the nature of the asset, because the nature of the asset is shares as opposed to bonds or cash on hand or a house. It will also reveal the number of shares. With respect to the percentage which those shares represent, you will know from Mr. Aird's disclosure statement whether the company is controlled by the member, that is, has 50 per cent plus one of the shares, because then you will have listed the assets of the controlled company. You will know in that case that the member controls the company, because he would not be able to list the assets of the company if he did not control it.

With respect to other companies, where only the share numbers are listed, 200 shares, 500 shares, with respect to any company, you can find out the percentage of shares that represents by simply going, I believe, to the corporations branch, which should be able to tell you the number of issued shares. If it says 200 shares of International Nickel, assuming International Nickel is incorporated in Ontario, I believe you will be able to find out from our records how many shares have been issued by the company: eight million. If it is incorporated somewhere else, you may not be able to find that out. It is the same with a private company.

With respect to the value of those share numbers, we have no problem with the privately controlled company because you will have all the assets of the company listed. With respect to the value of publicly traded shares, 200 shares of International Nickel, it is easy--not for me, because I cannot read this stuff--for someone to find out the day-to-day value of that because it is listed on a stock exchange. You just put your glasses on--it is tiny print--look up the price, multiply by the share number and you know the value of that share on that day.

With respect to a private company, which is not listed on an exchange and is not traded in that sense, there is no way of ascertaining the value of those shares until, essentially, they are traded, that is, until they are privately sold or until the company is wound up. That is why people will have shares which have a par value of \$100, and when the company is wound up, it turns out they are worth \$1 million.

Look at Maple Leaf Gardens. That is traded, but if it was not traded, it would be clear that the book value of the shares is a fraction of what would be realized by the shareholders if they tore down Maple Leaf Gardens and put up a high-rise building.

With private companies that are not listed, there is no practical way for anybody, indeed even a shareholder, to determine the value.

Mr. Sterling: Can I make a correction here? First, in terms of the publicly traded company, if it is traded on the Toronto exchange, I think the Ontario Securities Commission could tell you what percentage. I do not think the Ministry of Consumer and Commercial Relations would have that particular knowledge. For the stock exchange and the Ontario Securities Commission, you have to be able to produce, in terms of your prospectus and in terms of whatever you are doing, how much has been issued. Therefore, you can determine--

Hon. Mr. Scott: On a publicly traded company, I think the annual report will tell you the number of issued shares.

Mr. Sterling: But in terms of a privately traded corporation--

Hon. Mr. Scott: Privately traded where?

Mr. Sterling: Not privately traded, just a private corporation. If I have one share of Sterling Holding Corp., you cannot tell from any public record whether that represents one per cent or 100 per cent of the total.

Hon. Mr. Scott: I accept that. I may be wrong about this, but I think the corporations branch will tell you the maximum number of shares the company is authorized to issue. It will not, of course--I think you are right about this--tell you the number of shares the corporation has in fact issued. You are right in that sense. You cannot get that information unless the president wants to tell you.

Mr. Sterling: That is right. So it is strictly private information, and therefore you cannot tell from anything that is registered on a public record whether 5,000 shares in a privately held corporation means anything or whether it means a whole lot.

Hon. Mr. Scott: If I could just add so we are in agreement, a single shareholder cannot get that information either, unless the president agrees to give it to him.

Mr. Sterling: No, I think a single shareholder can get access to the books. That is why you do not let somebody become a single shareholder of a private corporation unless you are willing to divulge the company records. I think your minority shareholder rights give you that access.

Hon. Mr. Scott: Maybe. I do not think so, though.

Mr. Sterling: What I am saying is in terms of the disclosure, if one of the ministers or one of the members holds shares in a private corporation, that is not going to tell you anything. It is not going to tell you anything, because it will not tell you the degree of control that person has and it will not tell you the raw assets that the corporation holds.

Hon. Mr. Scott: One thing the member will know is whether he controls that company.

Mr. Sterling: Yes, he will.

Hon. Mr. Scott: Yes. If he does, under our statute, he is obliged then to tell you the assets of that company.

Mr. Breaugh: Could I offer something for you to think about?

Mr. Sterling: Whereabouts is that?

Hon. Mr. Scott: Just so you will know, that is contained in clause 11(2)(b). "A statement of any income the member and the member's spouse and minor children, and private companies as defined in the Securities Act controlled by any of them, have received in the preceding 12 months or are entitled to receive in the next 12 months..."

I think the New Democratic Party made an amendment to clause (a) in which assets of a privately held and controlled company would also be required to be disclosed. If you, as a member, control a private company, you are obliged to list the assets of that private company and the income you received from that private company.

So the gap to which Mr. Breaugh is referring is a gap that relates to a publicly traded company where you cannot get either piece of information and a private company that you do not control where you cannot get either piece of information.

Mr. Sterling: If, for instance, I had a private corporation or I was a 25 per cent owner in a private corporation with my brothers and sisters, in that kind of situation, and that particular corporation owned land which was involved, etc., there is no way that the public would know that then under this act?

Hon. Mr. Scott: The act does not impose any obligation on your brother to give information to you that he would not otherwise be obliged to give you.

Mr. Sterling: Nor will the public know that that corporation owns land on the corner of Bloor and Yonge?

Hon. Mr. Scott: The public will know that you own shares and that your brother owns shares.

Mr. Sterling: In a corporation.

Hon. Mr. Scott: In that corporation. You just search at the corporations branch where the shareholders are listed.

Mr. Sterling: No, they are not listed. That is the problem.

Hon. Mr. Scott: The directors are listed.

Mr. Sterling: The directors, but the directors are usually lawyers.

Hon. Mr. Scott: You are not going to have any problem with that.

Then on the other things you want to do--you are quite experienced at this--just make a complaint to the commissioner, and he will launch an inquiry.

Mr. Sterling: I guess I am quite experienced at that.

Hon. Mr. Sterling: You are.

Mr. Chairman: You are an expert on that now, Mr. Sterling.

Mr. Breaugh: My problem is that my reading of the section as it is should have produced a different disclosure statement than what it actually did produce. I recognize that there are problems here and I really do not want to mess with it a whole lot, but what I do want is that the disclosure statement provide a clear and concise statement of the nature and approximate value of the assets.

Hon. Mr. Scott: I understand what the--

Mr. Breaugh: Let me just go a little further. That means that you cannot put out a public disclosure statement that lists numbered companies. I know that in some instances Mr. Aird and his staff tried to provide that little definition of what this company does. What I want to do is encourage them to do that, because I believe that, in large measure, the credibility of the act hangs on whether someone can come in, pick up the public disclosure statements of the cabinet and make sense of them. If that person has to hire a lawyer or go off to a courthouse somewhere and pursue it, then I think we have put forward something which is in essence fraudulent. It is not a public disclosure statement unless it gives you a reasonably clear and accurate amount of knowledge about what the person has in terms of assets.

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I would also argue that in some way, without getting too picky about it, you have to give some idea of approximate value here. I would accept that a member of the cabinet can do it in this way: He can simply say, "I own shares in this numbered company which is a real estate holding firm and has property here, there and everywhere else; the approximate value of that is less than \$100,000." That would satisfy me. I think the public could look at a disclosure statement of that nature and say: "I have some idea of what the person owned, what he is interested in and the approximate value of it. It tells me the information I feel I have a right to know." Otherwise, you cannot call this a public disclosure statement. You can call it something else but it does not tell the public any facts about--

Hon. Mr. Scott: I think we have gone a substantial distance, perhaps as far as we can, in recognizing your point in legislative terms. I am prepared to look at it before third reading to see if something can be developed. You will recall Mr. Aird saying that the form he put before members required them to estimate the value of the assets.

For example, in my case, I was obliged to estimate the value of the house I live in, even though, it having been bought some time ago, I had no real knowledge; it was a guesstimate. Mr. Aird, on his disclosure form under section 11, required that. To a certain extent, he has to require it because the exemptions under section 12 are only workable if he has that information. I think he has gone that far and the statute goes that far.

I understand what you want to get for your friend in south Oshawa. What we do not want to promise your friend in south Oshawa is something that no member can in fact provide, because it would make the legislation unworkable. We have that dilemma.

Mr. Aird has gone this far: You have to estimate the value of your assets. Some assets, like listed shares, you can value to the penny; others in private companies and so on will have to be estimates. He is requiring that under section 11 now. I propose he should continue to require that. We will come later to whether it should be publicly disclosed and to what extent. I do not really see how we can go any further than that, bearing in mind the state of the law in terms of your right to call on--it really relates to shareholdings primarily--the directors to produce that information for you.

Mr. Breaugh: I will conclude here, but I am really confused as to why this is such a difficult problem. You cannot convince me that any member sitting in this room does not have some idea how much his house is worth, that any member sitting in this room does not have some idea, ballpark though it may be, what kind of assets he has, the car he owns or the stocks he has. There is no one so dumb he could not give you a rough idea whether he is at least rich or poor.

Mr. Cordiano: That is the point. That is what we want to determine. You want to determine if someone is--

Mr. Breaugh: No. What I want is such a simple thing and it seems to me that the act calls for it, yet the papers are not producing that. I do not care whether Sean Conway owns one share in a nonexistent housing development. I am happy for him to do that. I sure as hell would care if a Minister of Housing owned an apartment building in downtown Toronto. I do not think it is that difficult to produce the kind of information I want. If I were asking for exact value, I could say, "Yes, there are all these problems." If I was asking for secret information from the private sector that it does not have to disclose anywhere else, I could say that was unreasonable. I do not want any of that.

Mr. Cordiano: If you disclose that--

Mr. Chairman: Mr. Cordiano, I am sorry; would you please speak into the mike?

Mr. Cordiano: If you disclose that the Minister of Housing owns an apartment building, surely that is enough information for you to be able to determine whether that minister has a conflict. Whether it is worth \$1 million or \$90,000, what difference does that make?

Mr. Breaugh: If you cannot see the difference, you have a real perceptual problem, because 90 per cent of the population in Ontario says there is one hell of a difference between owning a piece of property that is worth \$90,000 and owning a piece of property that is worth \$1 million.

Hon. Mr. Scott: Everybody agrees there is a difference and everybody understands the problem. The question is, is there a solution to the problem?

Mr. Breaugh: I think there is.

Hon. Mr. Scott: You have to figure out what it is. Let us take a series of examples. You are concerned about the Minister of Housing owning an apartment building in downtown Toronto. I think that is a legitimate concern. If the Minister of Housing, her spouse or minor children are on the title of the apartment building, that will be disclosed under this act. If the Minister of Housing, her spouse or minor children control a company, 856 Ontario Ltd., which owns an apartment building, that will be disclosed under this.

Interjection.

Hon. Mr. Scott: Yes, it will, as a result of your amendment yesterday. If the Minister of Housing owns a share in either a private company or a public company which she does not control, she may not know the answer to your question and may have no way of finding out. For example, if you own shares in International Nickel, there is no way you are going to be able to ascertain, without the co-operation of the president and the board of directors, whether International Nickel owns an apartment building in downtown Toronto. It may do. You cannot, as a minority shareholder, compel that information. That is the problem. We feel obliged to provide to you all the information a member can get about his assets, but what we must understand is that in respect of corporations that he does not control, he cannot get certain information. Maybe the Corporations Act should be changed, but that is something else.

Mrs. Sullivan: I think part of Mr. Breaugh's problem really can be solved--

Hon. Mr. Scott: He does not think he has one.

Mrs. Sullivan: --under the information that is prescribed in the regulations. For example, if there is a numbered company, just as the corporation's tax returns request the information about the major activity of that company, so can the forms that are filled out ask the member to describe the activity of that company. A company that is called the Mike Breaugh Corp. Ltd. would have to further describe, under a regulation, its activity, whether it was a real estate trading company or whether it was a public relations consulting company.

Certainly, that is the practice that Mr. Aird, as I understand it, has been following. As I understand it, in the disclosure statements that have been made public, that information has been available publicly as well. I think that under the regulations your problems are answered.

Hon. Mr. Scott: Can I say one other thing? I do not think this problem can be solved in legislative form. I think what Mr. Breaugh is really concerned about is not precision where precision cannot be obtained, but rather the member's own generalized estimate of what those shares are worth or what the member thinks it may be doing, recognizing that the member may be dead wrong on both points. But he wants the member's understanding.

It seems to me that is a problem that can be addressed with respect to the commissioner's form, and indeed has been, if you heard Mr. Aird.

I have already indicated to the members that when the commissioner is appointed, whoever he is, I do not think it is an inappropriate exercise for all of us to consult to make certain that the form is not only consistent with the act that the commissioner proposes but that it provides the kind of information that members think should be available and can be made available, and estimates would fall, I think, within that category.

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Mr. Breaugh: Is there any sense in trying to say so in terms of the language you use in this section? For example, would you object if we tried to say, "It shall contain a clear and concise statement of the nature and approximate value of the assets referred to in" whatever, if we inserted just a few more words to clarify our intention?

Hon. Mr. Scott: Can you leave that with me for a while and we will see what we can do?

Mr. Breaugh: All right.

Mr. Chairman: Are there any other comments or amendments?

Mr. J. M. Johnson: I have an amendment later but I have a question. I would like to speak from the other side of the coin. The concern I have is the embarrassment that would be created for the member who would appear worthless, if we can use such a phrase. I think we are so caught up with trying to catch a few people who own corporations or shares in extremely wealthy corporations that we are forgetting about the ordinary member.

I am not quite sure I understand: "The commissioner shall prepare public disclosure statements containing all relevant information provided by the member." How relevant is it? Does it go into detail, state quite clearly to the public that the member is worthless?

[Laughter]

Mr. J. M. Johnson: I am quite serious. How relevant is it?

Hon. Mr. Scott: I do not have in front of me one of the statements he filed. Mr. Breaugh came armed with a whole lot of them. Some are obviously longer than others. In my own case, it describes what I own. It describes my house, my cottage. I do not own any shares, being too dumb to get into that enterprise.

Mr. Faubert: Or smart.

Hon. Mr. Scott: Well, smart this month. It describes condominiums I have an interest in.

Mr. J. M. Johnson: I am not concerned with what information the commissioner has. My concern is: Will it, in some way, discourage people from becoming members, knowing that the local newspaper is going to have all their personal information?

Hon. Mr. Scott: If Mr. Breaugh has them there, perhaps he can dig out mine. I have no objection to handing mine around.

Mr. Sterling: I have the solution to all of this, of course.

Hon. Mr. Scott: I do not think it is embarrassing, to answer your question. If you are a wealthy person, it will be reasonably easy to conclude from the statement that you are a wealthy person. If you are not a wealthy person, that may be a conclusion that can be drawn too, but if you want to cover that up, just list a lot of your worthless assets and people may think they are worth a lot.

Mr. Sterling: I was going to say that what I am going to do is create a number of numbered companies so people can hide their worthlessness behind numbered companies.

Mr. Breaugh: Exactly.

Hon. Mr. Scott: Here is what mine lists, just so you will get some idea.

"Principal residence"; "recreational property," thank God in Wellington county. "Condominium units": it lists the number of units, where they are located and, further on, a description of them. Someone looking at that could find out very quickly what they were worth. Then it lists "bank account" and where the bank is. Then "term deposit," and who holds it, a bank in this case and where the bank is. Then "life insurance" and the company that holds the life insurance policy. Then "annuity" and the company that has the annuity. Now, do you think I am rich or poor?

Mr. Chairman: Yes.

Mr. J. M. Johnson: This is all information that would be available to the press?

Hon. Mr. Scott: This is all available to the press.

Mr. J. M. Johnson: So every local paper will take the commissioner's report and publish it?

Hon. Mr. Scott: They have not shown the slightest interest in mine so far. It has been around for six weeks. The next page is liabilities.

"Mortgage on principal residence," and then the company; "mortgage on condominiums"; "personal loan," and the name of the bank; "guarantee of indebtedness, St. George-St. David Liberal Assoc."; "guarantee of indebtedness, Ian Scott campaign." It was a successful campaign, but I am not telling you the indebtedness.

Mr. Breaugh: Let me put on the record that I have one other little concern here that I think is unfair.

While I have argued that these really do not tell you very much about the financial status of a member, there is some personal information--and it escapes me why it was put on these disclosure forms--that I consider not only to be irrelevant but should not be put on this kind of form. Whether someone is separated from a wife is of no interest to me, particularly in here.

I understand that there is a financial concern that is there, but my argument is that this does not tell me what I want to know in terms of financial disclosure, and it does tell me other information which is irrelevant. There are some really strange things in here. For example, in all of the cabinet--

Hon. Mr. Scott: Why did you not read something else instead of this?

Mr. Breaugh: Well, this is my--

Hon. Mr. Scott: You seem to have gone over this with a fine-tooth comb, for a fellow who is so offended by it all.

Mr. Breaugh: One of the things that struck me--

Hon. Mr. Scott: Do you usually take up reading material that is so offensive?

Mr. Breaugh: --as being odd is that although the members' salaries and the cabinet's indemnities are all matters of public knowledge, the amounts are not disclosed. That seemed to be quite silly.

Hon. Mr. Scott: We will come to the question of amounts under section 12. I understand your point. It seems to me that the points you and Mr. Johnson make are not points that relate to the form of the statute; they relate to the forms that the commissioner is expected to prepare under the statute, which are two: the disclosure form that the member will fill in and the disclosure statement that he will file with the Clerk. He submits those, and I think they are approved by the Lieutenant Governor in Council.

I have undertaken to consult with members from all parties--that does not mean we are handing over any powers, but I am prepared to consult with them--so that within the ambit of the statute there is a sense of what is appropriate. I am very sensitive to Mr. Breaugh's observation that perhaps the fact that there is a separation agreement or something should not be recited, and I think we can deal with that.

Mr. J. M. Johnson: I really feel that there is a very sensitive nature to this debate, because I think that some members will fall into the category that it would be extremely embarrassing, and I do not think that is the intent of the legislation. I fully appreciate the fact that disclosure is for a purpose, but that purpose is not to hurt our colleagues in some way. I think the key rests with the commissioner having the flexibility to make those determinations when he lays his report in the Legislature.

Mr. Chairman: I want to to draw another thing to your attention. It is in regard to section 11 in this case, but it is again information which people have to disclose but which I think is irrelevant.

For instance, I give my two children, who are 14 and 16, an allowance. As far as they are concerned, it is an income. It is an income to my children. That is internal, it is nobody else's business, but I have to disclose that because as far as the children are concerned, it is an income, and therefore you have to disclose it. It is an allowance they get on a weekly basis. If you do not disclose it, then of course you are violating the act.

Mr. Sterling: How high is it, Herb? I do not want my kids to get hold of it.

Mr. Chairman: Ask the commissioner. If he is prepared to give it to you, I am prepared to give it to you. That is how silly this act has become in a sense. If the children have an allowance, it is an income as far as they are concerned, and you have to reveal it--and it is all internal.

Hon. Mr. Scott: I must say that I do not think we intended that. If something can be done to right that wrong, we are all in favour of it.

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To deal with Mr. Breaugh's point, and this may go too far for Mr. Johnson, if you look at the statement of my colleague the Minister of Energy (Mr. Wong)--I can make reference to it because it is public--he lists the private companies in which he owns shares. There are three of them, and just so you will understand what the commissioner has done, I think this responds to the member for Oshawa South:

"(a) Abico Management Ltd. X shares, which is owned exclusively by Mr. and Mrs. Wong"--he means the shares are owned by Mr. and Mrs. Wong--"and has no assets except cash and Canada Treasury bills.

"(b) Multilingual Television (Toronto) Ltd., which is a private company providing multicultural television to people in southwestern Ontario and in which Mr. Wong holds under one per cent of the common shares.

"(c) Erintec Corp., which is a manufacturer of high-technology products and in which Mr. Wong holds under one per cent of the common shares."

I think you are getting there a description of the nature of the asset, the shareholdings, a description of the proportion of ownership that the member and his spouse have and a generalized description of the nature of the business.

We have to understand that Mr. Wong owns one per cent of Multilingual Television, which appears to be in the television business, but if the board of directors goes off on a flyer and buys a piece of land, Mr. Wong is not going to know that. They are not going to consult him, they are not going to tell him, and there is no way he can compel them to tell him.

The commissioner has given a general description. I think that is exactly what the people in Oshawa South will be poring over this weekend--just what they want to know.

Mr. Breaugh: When they pour something in south Oshawa, it is not a piece of paper.

Mr. Cordiano: Just a point--

Mr. Chairman: Mr. Cordiano, could you speak into the mike?

Mr. Cordiano: I am.

Mr. Chairman: I am being reminded by Hansard that you are not.

Mr. Cordiano: Is it OK now?

Interjection.

Mr. Cordiano: I thought I had a loud enough voice.

On top of that, all of these holdings will be brought to bear under a management trust. Is that not correct?

Hon. Mr. Scott: I am sorry?

Mr. Cordiano: They will be brought under a management trust. Correct?

Hon. Mr. Scott: Yes, I think that is correct, if the ownership of them amounts to carrying on a business. I think Mr. Aird made plain to the committee, and certainly in his report, that in a case where a member owned equities--that is, shares--he required them to be dealt with by a manager.

Mr. Cordiano: In a management trust.

Hon. Mr. Scott: Yes.

Mr. Cordiano: In a sense that could mean shares in a private corporation or a public corporation?

Hon. Mr. Scott: Yes.

Mr. Cordiano: As I recall--going back to the Davis guidelines and as well the Peterson guidelines--there was a provision in the guidelines to put your holdings in a blind trust. Correct me if I am wrong; there was a blind trust provision in the guidelines.

Hon. Mr. Scott: Yes.

Mr. Cordiano: That is all I want to know.

Mr. Sterling: I would just like to know how this is going to work in terms of smaller assets which are changing from day to day.

For instance, if a member has a certificate of deposit for \$3,000 and it is a 30-day or 60-day asset, what is quite normally done is that the interest earned on that is rolled back into the next certificate. You give instruction to the bank or whatever, "Look, unless you hear from me otherwise, take the interest for the three months or whatever it is and issue another certificate." Does that require the member to then make a new disclosure to the commissioner?

Hon. Mr. Scott: If he renews the certificate?

Mr. Sterling: Yes.

Hon. Mr. Scott: I would not have thought so.

Mr. Sterling: Because the value has gone from \$3,000 to \$3,100.

Hon. Mr. Scott: No. The value is not the critical feature. It is the nature of the asset that is the critical feature. I would not have thought in that case he would have to make a new declaration. The next annual statement would reveal an investment certificate that probably has a new number or something on account of the change, but the commissioner is very clear that the act requires him--if you sell your investment certificate and buy shares, equities--to have those equities managed. You cannot do anything that amounts to carrying on a business. He has gone very far and is saying that owning equities is carrying on a business, even if you do not sell them; they have to be held by a manager.

Mr. Sterling: I guess my concern here is that when Mr. Aird was looking at cabinet ministers in July 1986, or whatever the date was, when he reported, there were a number of cabinet ministers who had "very minor holdings" and had not complied with the Premier's guidelines. In my view, that was unfair in terms of the overall publicity that came out as a result of that.

The publicity that came out was that half the cabinet ministers were in breach of the conflict of interest. Now, one of your ministers escaped because of it, and he was very much in breach, as far as I was concerned. That was Mr. Sorbara, whose holdings were extensive and were not revealed because either his understanding--I do not think it was probably intentional--but notwithstanding that, he was protected by the fact that the whole cabinet was painted with the brush of not complying with the guidelines.

In terms of a minor thing like I just mentioned--if, for instance, that is not spelled out here, then we could have a commissioner who came down and said, "Norm Sterling is in breach." The story could be that 130 members were all in breach in some minor way, and I do not think that would do anybody any good. That is why I am concerned about--

Hon. Mr. Scott: I do not see the purpose of the legislation as doing anybody any good or any harm. I see the purpose of the legislation as promoting complete public disclosure by members and limited public disclosure by spouses, so that the public and the other members--and the press, who represent the public in a sense, or who think they do, between elections--will have the opportunity to make a judgement about the member's public responsibilities and the way they are discharged and his holdings.

That kind of question is, of course, going to be raised from day to day in any democratic assembly, whether you have a statute or guidelines or whatever. It is in the nature of the process that those questions get asked. Apart from "coverup," the next most fabulous buzzword is "conflict of interest."

What we have tried to do here, in statutory form, is set out some rules and a mechanism for resolving the question. The real unfairness, if I may say so, is the fact that an allegation can be made and its validity cannot be determined. Even when it is, it is not fairly dealt with.

An allegation was made about me which got big play in the Ottawa Citizen where my family live. It was determined to be false but that got no play at all. I can live with that but--

Mr. Breaugh: Gee, I missed that. What was it?

Mr. Sterling: Who said it was false?

Hon. Mr. Scott: The commissioner said it was false. All I am saying is that the feature of this mechanism is that we are making an effort to restore the equilibrium, so that members will know what they have to do and will have available, at a certain risk, the chance of putting the thing behind them or the obligation to vacate their seat or submit to a reprimand.

Mr. Sterling: My concern here, though, is that the overall objective of any conflict-of-interest legislation should be to present to the public, in a fair manner, the assets and the potential conflicts of members and to create, in general, a confidence in the political system.

If you did have the commissioner coming up with 130 members in some way all in minor conflict, I know what the headline in the paper would be. The public would not understand or read the second column, or whatever it was, where they said my conflict was that I did not declare \$30 interest on a certificate of deposit.

I am concerned about the annual report and what the commissioner will have to put in that report. I do not want him to put in picayune things, but I want him to put in the actual, the real--

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Hon. Mr. Scott: Let me simply say to you that I do not believe there is in this country, and in fact I do not believe there is in most states of the United States, a public disclosure statement that is as broad and all-encompassing as this one. That is an effort to respond to the public right to know what members, spouses and minor children own.

The other thrust of the legislation, to me, is critically important. When an opposition member makes an allegation that there is a conflict of interest and a cabinet minister denies that there is a conflict of interest, I believe the general public does not know whom to believe on that subject. They have no way of evaluating the truth of the allegation or the truth of the denial, and as a class, our public reputation is such that they are probably inclined to believe the allegation rather than the denial.

The only way we have ever had of dealing with that, apart from allowing the press to deal with it, is a royal commission, and that is just an unworkable solution. The effect of this act is that, for better or for worse, at the end of the day, relatively shortly after the charge and countercharge are made, there will be an independent servant of the Legislature who will give his opinion. The public may not accept his opinion, but there will be an independent opinion.

Mr. Sterling: Our problem is that we will not accept the premise on which you make that ruling within this act. We have difficulty in that area.

Hon. Mr. Scott: Every opposition party would rather have a royal commission and every opposition party in a minority government would rather have the assembly decide it.

Mr. Chairman: It is surprising how people change their minds, depending on where they sit in the House.

Mr. Faubert: It is called the position of parallax. If you understand perspective, you notice it.

Surely the situation would not occur where 130 members would be in conflict because, as we were commenting here, the commissioner has a right then first, as I interpret it, to advise a member if he is in a minor conflict and it can be corrected. Conversely, a member has a responsibility to inquire of the commissioner whether indeed he has complied. That is the situation that would exist, I assume, after the act is in place.

Hon. Mr. Scott: Yes. The theory of the act is that members and cabinet ministers should not be making decisions in conflict situations. It is in the public interest that they should not be doing that. This provides an

advisory mechanism that they can take advantage of if they want to and a punitive mechanism if they do not.

It seems to me that the real public interest--the public may have a general interest in whether I am the Minister of Mines or not and they may think Peterson would be nuts if he made me Minister of Mines, but their substantive interest, beyond that, is whether I have mining shares, whether I should be able to make those decisions. This system is going to deal with that.

Mrs. Sullivan: I think that, in the discussions so far, there have been several issues that are being covered. One of the areas where I really quite disagree with Mr. Breaugh is in his attitude to the relevance of the value of participation.

It seems to me that the statements which are publicly disclosed--and I do not mean to the commissioner; I mean to the public--should not be seen as statements of the wealth or lack of wealth of individual members or their spouses or their minor children. What they should be seen as is a definition, an exposition of places where conflict arises, where it exists and where, if a decision were made and that member participated in that decision, the member would have exercised a conflict of interest and would face all the penalty and action which would follow that.

I think that conflict does not necessarily relate to financial interest. For example, if a member were on the executive of the Ontario Federation of Agriculture, perhaps even president, that person could not accept, if offered, the job of Minister of Agriculture and Food until he resigned. The statement to the commissioner would make that clear, and that would probably be the commissioner's advice to that member.

Whether one has one or 100,000 shares in a company is probably not going to be the place where most conflict is going to exist. It is going to be a different kind of conflict frequently, and it is going to be something that we have to remember exists only if a decision is made, if the action is taken that brings that conflict into a work situation.

Mr. Chairman: I guess what would have to be decided is whether you have more conflict if you have one share or more conflict if you have 10.

Mrs. Sullivan: My view is that there is not more or less.

Mr. Chairman: You have a conflict or you do not have a conflict, I guess.

Mrs. Sullivan: Yes. My view is that there is no more or less conflict depending on the ownership position. If you are poor or have less wealth, one share or five shares are going to mean more to you perhaps than what the one or five shares would mean if you were in another situation.

One of the other things relating to section 12 that I wanted to bring forward--and I have proposed an amendment which has been circulated in three or four different forms--is that we assume that everything, including value, is disclosed to the commissioner, but in terms of making the public disclosure there are certain things that have been eliminated in section 12 and they become exempt from what is made public.

One of the things that concerned me about that was that most of what has been exempted was on the assets side of the balance sheet and what is exempted from public disclosure does not include what is on the liability side of the sheet, so that what we are looking at here is a situation where a member would perhaps have to disclose the value of all of the liabilities which that member and family may hold but would not have to disclose the value of the assets.

Certainly, Mr. Aird has not proceeded that way by disclosing only the liabilities, but it seems to me there is a flaw if an additional exemption in the act is not made to cover that situation. So I have put forward an amendment to that because my view is that the value does not matter if the conflict relates and the conflict matters, whether the value is large or small.

Hon. Mr. Scott: Are those amendments circulated now?

Mrs. Sullivan: Yes.

Mr. Chairman: Shall we proceed with the amendments then? Oh, yes, Mrs. LeBourdais.

Mrs. LeBourdais: This morning we have been constantly referring to assets in the form of shares, real estate, etc. I did bring up the last time I was on this committee, when Mr. Aird visited us, the concept of hobbies that had a strong financial value, because particularly during the Sinclair Stevens inquiry it came out a great deal that what they perceived as a hobby had the potential for great financial gain.

Under clause 12(1)(a) it says, "assets, liabilities and financial interests having a value of less than \$1,000," which might be easily applicable in the original sense to a hobby, but that could potentially grow into a fairly sizeable interest. I am just wondering if we have addressed that category, since it became so much a part of the scene during the Sinclair Stevens inquiry.

Hon. Mr. Scott: It is section 11 that governs that and it says that, of course, apart from income which must be disclosed, you have to disclose "assets, liabilities and financial interests."

If you had an art collection or a stamp collection of more than trivial value, that would be an asset and you would have to disclose it. If you owned anything else of any consequence, you would have to disclose it. I do not know quite what it means to say you had a hobby.

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If you have an idea, you are not obliged to disclose it if it does not amount to anything but an idea in your head, but if it leads to the incorporation of a company as it did in the Stevens case, you would have to disclose the shares you hold in that company, even though the company may be virtually valueless until the idea bears fruit.

The act does not require you to declare money-making ideas that are in your head, but when you take steps to pursue them, either by acquiring an asset or borrowing money to finance the plan or incorporating a company to hold your idea, then all that has to be declared. I have a terrific idea about how somebody could make a lot of money, but I do not have to declare it. I am just saving it for four or five years and then we are going to see what happens.

Mrs. LeBourdais: Potentially then, an item such as art, which could have a value of far less than \$1,000 at a particular period in time, could change substantially and then perhaps the member somewhere along the line would have to disclose later on.

Hon. Mr. Scott: Section 12 is what is publicly disclosed. If you have art, you have to disclose all of it--I do not care what its value is--to the commissioner under clause 12(1)(a). It is an asset. I suspect he did not look at all of us having elaborate art collections in our houses and he probably--if you said you had some pictures on the wall, he did not anticipate that you had a Van Gogh or even a Group of Seven. He probably thought you had the usual calendar art that in south Oshawa goes on the door, but if indeed you have an asset that is more than the normal furnishings of your home, then that is an asset you have to disclose to him under section 11.

Mr. Faubert: I am going to raise a very interesting point. If you have an art collection and you actively pursue the collecting, trading, auctioning and whatever--

Hon. Mr. Scott: That is carrying on a business.

Mr. Faubert: That is right. Where is the interpretation of that? Most people look on that as a hobby. A stamp or coin collection is the same thing.

Hon. Mr. Scott: I do not think any of us are going to die for our stamp collections, just between you and me.

Mr. Faubert: I have some that would be worth dying for..

Hon. Mr. Scott: It may be a relevant consideration because if you had a minister of the crown who had a significant art collection and who turned out to be the Minister of Culture and Communications, then there are legitimate things the public should know, that this person had an art collection and had been in the business of buying and selling art, carrying on that business; I do not mean commercially but to add to his or her collection. That fact, now on the public record, might raise real questions about the ability of that minister to participate in decisions about whether a government loan should be made to the Art Gallery of Ontario or the south Oshawa McLaughlin Planetarium or whatever it is.

Mr. Breaugh: The Robert McLaughlin Gallery, one of the finest in the nation. How can you be so crude?

Hon. Mr. Scott: That is exactly as it should be. That is the kind of thing it seems to me the public is entitled to know and will know under this statute. I am hard-pressed to think of an example that deals with stamp collections, but I suppose if this were the federal government and you were in charge of the post office, there might be some--

Mr. Breaugh: I have some excellent 36-cent stamps that are now collector's items.

Mr. Cordiano: I just want to go back to the old guidelines for a moment.

Hon. Mr. Scott: To the old days?

Mr. Cordiano: The old guidelines, yes; the good old days.

Mr. Breaugh: That can be arranged, Joe.

Hon. Mr. Scott: Not easily.

Mr. Cordiano: The good old days for some, not for us. There were some pretty strict provisions or constraints, at first glance, under the old guidelines, which some have interpreted to be strict provisions; for example, members of the executive council were not permitted to purchase land. At the same time you had that provision, you had the ability to set up a blind trust and your trustees who managed that blind trust could have carried on that type of activity, that is, purchasing land.

Mr. Sterling: You could have purchased land.

Mr. Cordiano: No, you could not have. You could not have purchased property outside of your own personal residence or recreational kind of property, not during the time you were an executive council member, as I recall, but you could have done that under the blind trust provisions. Under this new regime, you probably will be able to purchase land. Am I correct?

Hon. Mr. Scott: Yes, let me explain.

Mr. Cordiano: But you will have to disclose that, and if it is carrying on a business, it would have to go into a management trust.

Hon. Mr. Scott: Yes.

Hon. Mr. Scott: There were two problems, apart from the detail; there were two conceptual problems, in my opinion, with both the Davis and the Peterson guidelines. The first was that there were lots of things that you could not do, like buying land, but you could do all of them if you set up a blind trust, and we have learned that a blind trust is not blind. A blind trust depends upon a shared determination by the beneficiary and the trustee that they will not communicate with each other, and, bearing in mind the relationships that often exist between them, that begs credibility.

That is the Sinclair Stevens case. Sinclair Stevens, under the federal guidelines, was not entitled to buy anything, sell anything, borrow anything or do anything, but, just as under our old guidelines, he set up a blind trust and carried on, according to the commissioner, as he always had. The first conceptual difficulty with the old statute was the blind trust.

The second conceptual difficulty with the Davis guidelines and the ones assumed by the Premier (Mr. Peterson) was that they did not recognize the new role that, I believe, we are prepared to allow to spouses. The injunctions imposed against the member were imposed on the spouse equally as if the spouse were the chattel of the member. I think all members recognize there is a fundamental unfairness in that.

The Aird and the Parker reports both essentially recommend against the blind trust mechanism and say the cabinet minister cannot carry on business or do anything that amounts to it, but the solution is disclosure and a mechanism that will permit a determination of conflict quickly. That is really what we have done. How it may be approved, certainly--but it is a different concept.

Mr. Chairman: We have some amendments that some members want to put. Maybe we can get those on the table, and then we could deal with those amendments.

Mr. J. M. Johnson: We have an amendment to subsection 12(5).

Mr. Chairman: Do you want to read it, Mr. Johnson?

Mr. J. M. Johnson: This is similar to the amendment that was proposed by Mr. Eves the other day, but we have deleted "executive council" and "parliamentary assistant," as they were handled in previous votes and rulings. The amendment would read now:

"The commissioner shall, within one month of receiving the disclosure statement of a member, file it with the Clerk of the Legislative Assembly who shall make it available for examination by the public."

The amendment simply puts a specific time frame in place. It is the last subsection of 12, (5).

Mr. Chairman: The one that says, "one business day" but you have changed it?

Mr. J. M. Johnson: Yes. We have deleted the portions referring to executive council and parliamentary assistants.

Mr. Chairman: Do you want to read that again, Mr. Johnson, so that we can make the amendments.

Mr. J. M. Johnson: Basically, all it is doing is changing "as soon as is practicable," to "one month."

Mr. Chairman: Mr. Johnson moves that subsection 12(5) be amended to read:

"The commissioner shall, within one month of receiving the disclosure statement of a member, file it with the Clerk of the Legislative Assembly who shall make it available for examination by the public."

M. Johnson propose que le paragraphe 12(5) du projet de loi soit remplacé par ce qui suit:

«(5) Dans le mois de sa réception, le commissaire dépose l'état de divulgation publique auprès du greffier de l'Assemblée législative qui le met à la disposition du public pour examen.»

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Hon. Mr. Scott: I think the government is opposed to that, Mr. Johnson, and the reason is that we believe that one month may be too long. We believe that the commissioner should be obliged to make that filing as soon as practicable. Now, that will be a function of how many have to be done. If a new member comes into cabinet mid-term, "as soon as practicable" will probably mean within a day or two of receiving the disclosure statement under section 11. If there is an election and there are 30 ministers, only five of whom are new, it may be within five or six days, a month or what have you; but if they are all new, it may take longer.

Mr. J. M. Johnson: What about "as soon as practicable but not longer than one month"?

Mr. Sterling: I think his amendment does say that it does not have to be one month; it says within one month. Therefore, it is putting a maximum on the--

Mr. J. M. Johnson: You have not given us one yet. This would be a simple one.

Hon. Mr. Scott: This is an officer of the assembly. I mean, you either trust him to do the job or you do not. We do not put these kinds of time limits on the Ombudsman's investigations and all the rest of it, and it seems to me that if you do not trust him to do it as soon as practicable, then the assembly tries to get rid of him. If there is any evidence that he is not doing it as soon as practicable, then he is not the servant you should have picked.

Mr. J. M. Johnson: May I assume the amendment is defeated, Mr. Chairman?

Hon. Mr. Scott: No; you can just assume that I am opposed to it.

Mr. Chairman: We will have to have a vote.

Mr. Sterling: Let us have the vote, Mr. Chairman.

Mr. Chairman: OK. There is an amendment before the committee. All those in favour of the amendment? All those opposed?

Motion negatived.

La motion est rejetée.

Are there any other amendments to section 12?

Mrs. Sullivan: Yes, I have an amendment to subsection 12(1).

Mr. Chairman: Mrs. Sullivan moves that subsection 12(1) of the bill be amended by adding thereto the following clauses:

"(ba) the value of the assets, financial interests and liabilities of the member's spouse and minor children and of private companies as defined in the Securities Act controlled by the spouse or by a child;

"(m) the amount of the following liabilities:

"1. Mortgages and unpaid realty taxes on property referred to in clause (d);

"2. Liabilities related to assets referred to in clauses (e), (g), (h), (i), (j), (k) and (l);

"3. Unpaid income taxes;

"4. Support payments."

Mme Sullivan propose que le paragraphe 12(1) du projet de loi soit modifié par adjonction des alinéas suivants:

«ba) la valeur de l'actif, du passif et des intérêts financiers du conjoint et des enfants mineurs du membre, ainsi que des compagnies privées au sens de la Loi sur les valeurs mobilières dont le conjoint ou un enfant a le contrôle;

«cm) le montant des éléments de passif qui suivent:

«1. Les hypothèques grevant les biens visés à l'alinéa d), et les impôts fonciers impayés sur ces biens.

«2. Les éléments de passif liés aux éléments d'actif visés aux alinéas e), g), h), i), j), k) et l).

«3. Les impôts sur le revenu impayés.

«4. Les aliments.»

Mr. Chairman: Do you want to speak to that, Mrs. Sullivan?

Mrs. Sullivan: Yes. Basically, this relates to the issue I spoke to earlier, in which the bill as drafted now exempts from public disclosure, not from disclosure to the commissioner, certain values or amounts relating to the member's and family holdings. My view is that what is left then is an incomplete and an unfair statement of the member's financial situation, frequently; and what really matters, in any event, is the specific asset or liability, and not the value of that asset or liability.

I am proposing here that the values of liabilities or of the assets and liabilities of the spouse and minor children be also exempted from the public disclosure statement.

Mr. Chairman: Does anyone else want to speak to this?

Hon. Mr. Scott: I should just say that the government has seen this amendment and we do not take any position on it. The first part of it relates to further exemption for spouses' values, and the second part, as I understand it, means that members do not have to say how much unpaid income tax they have. The public disclosure will not say.

Mr. Breaugh: Yes.

Hon. Mr. Scott: I think this is a value judgement that should be made, really, in light of Mr. Johnson's concern about, in public terms, having disclosed the nature of your asset or liability, how much you think the public should know about values. Do you think, if you have some unpaid realty or income taxes, the public should know the amount you owe, or is it enough to say, "I have not paid them all"? Then with respect to the spouse, the spouse lists his or her assets; they are declared. Why should the public know the value?

Mr. Breaugh: I confess to having a bit of difficulty, as I have about three different versions of this amendment, and it is a little complicated.

Mr. Polsinelli: The latest one he has.

Mr. Breaugh: Well, it would be helpful if there were some way to identify which was the latest one.

Mr. Polsinelli: You have got it in your hand.

Mr. Breaugh: OK. I do not disagree with some of what is being proposed here, but we are essentially making the information more private and limiting to a further degree what will be made public, some of which I can accept without much of a problem. For example, on the liability side of it, I do not have a great deal of argument that somebody's support payments is something that has to be made public.

The difficulty I have, and I guess we are getting into the fine points of judgement calls here, is that if we are to exempt "the value of the assets, financial interests and liabilities of the member's spouse and minor children and of private companies as defined in the Securities Act controlled by the spouse or by a child," that is awfully tempting to have the spouse and the child take on some financial responsibilities, some assets.

Conversely, although I am not going to make much of an argument that the mortgages, the liabilities, the unpaid income taxes and the support payments are matters which are of great public concern or would probably be the centre of much in the way of a conflict, if we are making a public financial statement. Certainly, from what we have seen in the first draft of it, there is some of it that I consider to be irrelevant information but there certainly was very little in the way of damning, indiscrete information published in those documents. I am reluctant to kind of--

Hon. Mr. Scott: It came as a great disappointment to you.

Mr. Breaugh: Yes, I was.

I am just not really inclined to grant further exclusions. If I felt we were getting the pertinent information, I would be a little more amenable to this kind of amendment. I pointed out the couple of areas where I thought irrelevant information was included in the public disclosure statements.

I am afraid I am not going to support the amendment. I am open to the argument, but I do not hear it yet and I certainly do not see a need to grant further exemptions under the act as it has currently been implemented. So give me the arguments that tell me why this is relevant.

Hon. Mr. Scott: Let me just say that we take no position, but if you look at the first amendment, I think the way you approach that is by saying to yourself that the spouse will have listed everything with the commissioner--values, everything. Having done that, to what extent are we going to expose the spouse of a member who may carry on a business to a disadvantage that may be attracted if the values are known? If the values are known, the spouse will be judged either to be a successful business person or a failed business person. You can make that kind of judgement about a person who looks like a great business person until you see their values and you find they ain't got nothing there.

I understand the risk you are talking about, which is always a risk which cannot be protected against. When you find out about it, you are going

to raise royal hell, and that is the remedy when you find there has been a transfer you regard as improper.

Leaving that aside, which I do not think you can regulate any more than you can regulate the remote possibility that some member might lie to the commissioner, when you have said that, the question becomes, surely under the first part of the amendment, to what extent do we want the member's spouse to be able to carry on his or her business affairs, having made disclosure to the commissioner, without telling the public more than the public would normally know?

It is a difficult question, and 25 years ago we would not have even thought to ask the question; we would have said, "Look, the spouse and the member are one."

Mr. Cordiano: I was just going to make a point on the second part of the amendment, clause 12(1)(m). I think really what it attempts to do is just to be consistent with the asset side of the balance sheet. I think that is what you were trying to point out, Mrs. Sullivan. We have the asset side fairly well listed, or rather, it is not listed, I am sorry, and you have the liabilities at this point listed and full disclosure for the public. What you are trying to do is to balance the two out, or at least to say that you cannot give a one-sided description of someone's holdings, that he owns all these liabilities.

1130

Hon. Mr. Scott: If I can just follow up on that point, I think that would respond to Mr. Johnson's question about unfairness because the member is now not obliged, for very good reasons, to list the value of his bank account. All he puts is, "Bank account, Canadian Imperial Bank of Commerce." If he has a loan from the bank, he has to say "\$10,000 loan," and it looks as if he owes the bank a lot of money, but if his bank account were disclosed and it were \$20,000, you would say the \$10,000 loan is nothing. It is covered by his bank account. Why are we disclosing one half of the ledger? It seems to me you either disclose all the dollar figures or none of them, but that is--I am losing my hold on this legislation.

Mr. Polsinelli: I want to say that I support my colleague's motion. As a matter of fact, I would even go further and add "member" to her assets side of the balance sheet as it has been defined.

Hon. Mr. Scott: Then the government will oppose it.

Mr. Polsinelli: Then the government will oppose it, but if the committee members support it, it may be a different type of situation.

Hon. Mr. Scott: Yes, that is true. Members are different.

Mr. Polsinelli: I want to support this and I will support this. I think it is a good amendment. I think the information will be there to determine whether or not there is a possibility of a conflict. If there is a possibility of a conflict, then any member can request the commissioner to investigate and the commissioner will determine whether there is an actual conflict. On the liabilities side--

Interjection.

Mr. Polsinelli: That is true, Mr. Breagh. Once you know where the assets and liabilities are--

Mr. Breagh: How are you going to find out about it if it is not disclosed?

Mr. Polsinelli: Does it matter whether it is a conflict of \$1 or a conflict of \$100? You still know where the assets are. You still know where the liabilities are. All you do not have is the dollar figure. That is all you do not have and a conflict does not arise because it is a \$5 conflict or a \$100 conflict. It arises because there is a breach of a principle, that a member is using his office, his status as a member, insider information to further his private interests. That is the conflict. Whether he is furthering his private interests by \$1 or by \$100,000 is irrelevant. It would only go to what type of penalty he should receive for having committed that conflict, but not as to whether or not there was a conflict. From that point of view, I support it.

Hon. Mr. Scott: Actually, Mr. Polsinelli, if you look at the two examples in our Legislature and the one example in Ottawa and how they developed, before they could be raised, members really only knew two things. They knew the decisions that they thought the ministers had taken. Right or wrong, they focused on a decision that they thought a minister had taken, in Mr. Stevens's case to put Trevor Eyton on the board of the fund. The first thing they know is the decision, which they find out in the normal way these things are found out. The second thing, as you point out, is they know the nature of the asset. Nobody knew in any of those three cases when the challenge was made what the value of the asset might be, but they say: "You or your husband owned this and you did that? Let us look into it."

The act will give you--before you had to find out two things. Now one of them is a given.

Interjection.

Hon. Mr. Scott: Halfway home.

Mr. Chairman: All those in favour of Mrs. Sullivan's amendment to subsection 12(1)?

All those opposed?

Motion agreed to.

La motion est adoptée.

Mr. Chairman: Mr. Polsinelli moves that subsection 12(2) of the bill be struck out and the following substituted therefor:

"(2) The commissioner may except from the public disclosure statement the source of income received by a member's spouse or minor child, or by a private company as defined in the Securities Act controlled by the spouse or child, in respect of services that are customarily provided on a confidential basis.

"(2a) The commissioner may also except from the public disclosure statement the source of income received by a member's spouse or minor child,

or by a private company as defined in the Securities Act controlled by the spouse or child, if the possibility of serious harm to the spouse's, child's or company's business justifies a departure from the general principle of public disclosure.

M. Polsinelli propose que le paragraphe 12(2) du projet de loi soit remplacé par ce qui suit:

«(2) Le commissaire peut soustraire de l'état de divulgation publique la source du revenu qu'a reçu le conjoint du membre, son enfant mineur ou une compagnie privée au sens de la Loi sur les valeurs mobilières dont le conjoint ou l'enfant a le contrôle, en ce qui concerne des services habituellement fournis confidentiellement.

«(2a) Le commissaire peut également soustraire de l'état de divulgation publique la source du revenu qu'a reçu le conjoint du membre, son enfant mineur ou une compagnie privée au sens de la Loi sur les valeurs mobilières dont le conjoint ou l'enfant a le contrôle, si la possibilité de causer un préjudice sérieux aux activités commerciales du conjoint ou de l'enfant ou aux activités de la compagnie justifie une dérogation au principe général de la divulgation publique.»

Mr. Polsinelli: This amendment does not go as far as I would like it to go, quite frankly.

Hon. Mr. Scott: Thanks for your support.

Mr. Polsinelli: I have had a number of discussions with the Attorney General on this basis, but I think what it is doing, quite simply, is putting forward the situation that public disclosure of certain assets of a company and the value of those assets, in some situations, will actually render the company in a situation where it would no longer be able to operate. I take, as an example, a trucking business, a company that is the business of moving articles from point A to point B and has a whole series of clients. If that company were to have to disclose its client list, it would effectively go out of business, as its competitors would laugh in its face and it would effectively be precluded from carrying on any business.

From that point of view, I think the commissioner would probably have to rule that if the spouse controlled a company that operated a trucking business, the client list of that trucking business would not be the type of item that should be the subject of a public disclosure even though this would not prevent the commissioner from having in his hands that particular client list. It is just that he would not be able to disclose it to the public.

I am sure, if each one of us thinks, we can find hundreds of similar examples where we would feel that, unquestionably, the commissioner should have the information but it should not be the item of a public disclosure. My concern was that it did not go far enough in the sense that it does not cover the member nor a member's company; but, not being one with tremendous wealth and great liabilities, I have no personal problems with these amendments.

Hon. Mr. Scott: I will tell you the position of the government. The position of the government is that a member's clients have to be disclosed to the commissioner and have to, if the commissioner judges it appropriate--as he can and perhaps should--be disclosed to the public. If you have got a business, you are carrying on a business and you have got clients, you have

got to tell the public who they are because it may matter. If that means the member's business is going to be damaged--we hope it is not, but if that is what it means--that is the difficult choice you have to make before you get here, not afterwards.

It is a little tough for you because you are here and we are imposing this act on you, but for the future it is the kind of difficult choice that people who are coming into public life are going to have to face up to: My sources of income are going to be known to all the people of Ontario.

As a matter of policy for the government, that is what full disclosure means. To back off on that means that we are going to have only partial disclosure, and this is a full-disclosure bill with all the warts and unpleasantness for the member that it entails. There are going to be tough choices, and there is no question that some people will be discouraged from submitting themselves for election; not too many is my guess, but some. That, it seems to me, is what full public disclosure means, as contemplated by both the Aird report and the Parker report.

When we come to the spouse, I and the government take a different view, because we do not want to injure the spouse's legitimate economic interests because he or she made the mistake of getting married to some dingbat who wants to go into politics. We do not want to destroy their relationship and we want to enable the spouse to carry on very much as he or she would have; so we make two exceptions about income.

If the spouse's clients are normally confidential clients, their names will not have to be publicly disclosed. When it comes to client lists, which are not normally given on a confidential basis, the commissioner will decide those client lists of the member's spouse will have to be disclosed to the public unless there is a possibility of serious harm to the operation of the business.

Again, it is an effort to impose the maximum disclosure on a member, the maximum disclosure on a member's spouse, but reduce the public disclosure for the member's spouse so as to protect normal economic interests that a spouse may have.

1140

Mr. Breaugh: I believe I would have a whole lot of sympathy for this kind of an amendment if I had not seen the first public disclosure statements. You cannot make an argument with me that we are publishing information here that should not be made public. There is maybe one example out of all the disclosures that I think is even inappropriate; so you cannot convince me, I am afraid, that we are publishing all kinds of information on members and members' spouses that should not be made public. If it is made public, it is probably the most secretive--

Hon. Mr. Scott: Can I just remind you of one thing? When Mr. Aird did his disclosure statements, he did not have the amendments about the private controlled corporations that you have introduced and their assets. I think would make a practical difference.

Mr. Breaugh: OK. Let me just go then to kind of fill in the blanks. I do not think this commissioner or any other commissioner is going to go around publishing the lawyers' lists of clients. I do not really think they

are going to publish the doctors' lists of patients. I do not think anybody can be that silly as to suppose that they will do that. What they may do, what is conceivable, is that there might have been an opportunity here for people in business in the private sector--a trucking company--to list their clients. I do not know how sacred this information is; I do not really think it is very sacred.

Interjections.

Mr. Cordiano: I was in business and I know that I would never give out my customer list. It would give my competitor an advantage. He can just simply call up all my customers. It took me three years to develop a customer list.

Mr. Breaugh: Fine, and I also know that there are other businesses who sell their customer lists to other companies.

Mr. Cordiano: Right.

Mr. Breaugh: I am simply making the argument that at this point I see no public information disclosed here that is inappropriate. I really do not see much potential for something being made public that is inappropriate. What I am concerned about is that before the act is even in place further exemptions to the public disclosure concept are being made, and it bothers me just a bit. I think I would be more inclined to look at this kind of exemption on a review of the act in three or four years' time when perhaps someone had some reasonable examples of problems that have been caused.

Just in general principle, I cannot accept the amendment. It appears that it will carry, but I would caution you that this is starting to look real fuzzy here, folks. The ink is not dry on the bill and we are further limiting the kind of disclosure that will be made public on something that, in my view, is badly flawed as is.

Mr. Cordiano: Let us try to break it down. What you are really objecting to is the definition of subsection 12(1). I am looking at 12(2) now, but it follows on that because it is the same principle. You are talking about the "private company as defined by the Securities Act" and you are talking about disclosing what you may not consider confidential. Again, we are getting down to the question of making a judgement call about what we consider to be confidential information to that individual or that member's spouse in operating his or her professional business or another kind of business.

We are going to have a difficult time trying to draw the line there. You are telling me the client-lawyer relationship is sacrosanct; the doctor-patient relationship is sacrosanct and that is very confidential, and I think those are easily definable. But you are also making the argument that the customer base to the firm is not a confidential matter. I would disagree. I would take a lot of objection to that. I just do not see the reason for that. If I have a customer list that is crucial to my business and has taken me years to develop, I think I could be hampered in a very serious way from carrying on my business. Just as you would make the same arguments about the advocate-client relationship, I think you could make a very similar argument for the customer list that applies to any enterprise conducting its business.

I do think if the enterprise is engaged in any activity that would bring it in conflict with--say, for example, it was carrying on business with the government or one of its customers. Here is where it becomes very difficult to define, because one of its potential customers could be doing business with the government. Then you are obviously going to have to disclose that kind of conflict.

The commissioner could make inquiries about that and, in fact, has. The commissioner will delve into those areas and ask very pointed questions about the kinds of firms you are doing business with. But if you are going to disclose that publicly, I would argue that you could make the same kind of argument for any kind of relationship that is on a confidential basis.

Mr. Breaugh: I do not know whether you want a lot of argument, but just to conclude from my point of view, I think what you are doing here, I hope not intentionally, is setting up a situation where it may well be the wife who is in the cabinet. The husband may well be, not a lawyer, but someone in a big public relations firm. They may well be having a lot of government business to do. It seems to me you may not be in total doing that, but you are in some measure protecting the spouse's right to do business with the government. I do not know whether that is your intention. I hope it is not, but it seems to me that is the scenario you are setting up and it is certainly the impression you are leaving.

Hon. Mr. Scott: Just to be clear, what is the section? There is another section that provides that if the income of the member's spouse is from the government, that will be disclosed.

Mr. Breaugh: Yes, that is what you say.

Hon. Mr. Scott: It is clause 12(1)(c), which says the amount of income of the member's spouse will not be disclosed "where the income is paid from a source other than directly from a ministry or an agency, board or commission of the government." So if the income source to the member's spouse is an agency, board or commission of the government, that will be disclosed.

Mr. Breaugh: To whom?

Hon. Mr. Scott: The public. That is what it says. You may not believe that the member is going to do it, but that is what it says. That is what the act requires him or her to do.

Mrs. Sullivan: The point I was going to make related to clause 11(2)(c), which specifically includes government contracts. Whether they be mowing the lawn at a provincial institution or whether it is a substantial construction contract, that income is not excluded from public disclosure.

I think one of the strengths of this amendment, and the intent, is really to look at the sorts of limiting factors in welcoming people to serve in the Legislature. Certainly right now, there are many women who would not run because their spouse's business could be fundamentally affected with certain kinds of disclosure under the act, which without this amendment would have to be left there.

I feel that with the disclosure to the commissioner, it will be very clear where the potential conflict exists. If the member reacts in a way that is to his personal benefit, then that member is going to have difficulty. But

I think it should be clear that the member's spouse is not making and should not be asked to make a sacrifice above and beyond the call of duty.

If a bankruptcy is going to ensue or lack of participation by customers, for instance, is going to ensue or if a takeover can be a direct result, those things are negative. With full disclosure to the commissioner, I think the public disclosure on specific matters that are included in this amendment is appropriate. We should not be eliminating a lot of women, and perhaps men in a while, but right now the situation is that it affects women more than it does men.

1150

Mr. McClelland: Very briefly, in support of the amendment, subsection 12(2a), Mr. Breaugh suggested that on the flip side, if you will, it would be silly for any commissioner worth his or her salt to make public such things as client lists and so on. May I also suggest in support of this that it would be equally as improbable to have a commissioner of any worth use subsection 12(2a) to accept things that were in complete contradiction to the spirit of the act.

Considering as well that the meeting determined under subsection 11(3) obliges the member to effectively flush out these types of situations, it seems to me it is a natural outcome that if a problem exists, there is going to be direction and advice given on how to deal with that and the consequences fully laid out up front, so that they know the exception is not going to prevail in any given situation and they are going to have to deal with the consequences.

In summary, I think there is a point where you say it would be foolish to expect the commissioner to publish all and everything. It would also be equally foolish to presume that the commissioner would exercise any exceptions under the subsection 12(2a) amendment contrary to the spirit and general purpose of the act. In that light, I have little difficulty supporting this amendment.

Mr. Chairman: Let us vote on the amendment by Mr. Pelsinelli on subsections 12(2) and 12(2a).

All those in favour of the amendment?

All those opposed?

Motion agreed to.

La motion est adoptée.

Mr. Breaugh: Loopholes.

Mr. J. M. Johnson: I have an amendment that was tabled earlier by Mr. Eves. There is one slight change to it. It is section 12a. We have changed the "shall" to "may."

Mr. Chairman: Mr. Johnson moves that the bill be amended by adding thereto the following section:

"12a(1) The commissioner may verify the accuracy of all disclosure statements that are filed with him or her.

"(2) On giving the person who filed the disclosure statement reasonable notice, the commissioner may conduct an inquiry into its accuracy.

"(3) The commissioner may elect to exercise the powers of a commission under parts I and II of the Public Inquiries Act, in which case those parts apply to the inquiry as if it were an inquiry under that act."

M. Johnson propose que le projet de loi soit modifié par adjonction de l'article suivant:

«12a(1) Le commissaire peut vérifier l'exactitude des états de divulgation qui sont déposés auprès de lui.

«(2) Après avoir donné un avis suffisant à la personne qui a déposé l'état de divulgation, le commissaire peut faire enquête sur son exactitude.

«(3) Le commissaire peut choisir d'exercer les pouvoirs conférés à une commission par les parties I et II de la Loi sur les enquêtes publiques, auquel cas, ces parties s'appliquent à l'enquête comme si elle était tenue en vertu de cette loi.»

Mr. J. M. Johnson: I think that is similar to section 15. It gives power to the commissioner to verify the accuracy of disclosure statements and it may go some small way towards resolving some of the concerns the member for Oshawa (Mr. Breaugh) expressed about the disclosure.

Mr. Chairman: Does anyone want to speak to that?

Mr. Breaugh: I would have supported happily the first version of this amendment which said that he "shall verify the accuracy of all disclosure statements." I am really unhappy that it now seems to be an option. I would be most disturbed if I thought we had a commissioner who was putting out public disclosure statements that at least in his own mind he did not feel were accurate.

Mr. J. M. Johnson: I think that was what we were intending to do, Mr. Breaugh. If he felt there was any inaccuracy in the statements, he could request that they be verified, but that it was not mandatory. Surely, he would accept most of them as presented from honourable members.

Mr. Breaugh: I think for all practical purposes when the commissioner publishes the disclosure statements, whether this act says so or not, he is putting his reputation on the line that these are accurate statements presented to the public as fact, not as opinion; and if we are to take an amendment of this kind, I believe, therefore, that it has to read that the commissioner "shall verify." That means that when he tables with the clerk a set of documents that are purporting to be public disclosure statements, his good name goes on them and he is verifying, by tabling with the clerk, that he believes them to be accurate. I do not see that there is any option on that.

Mr. Chairman: I do not want to get into this, but let me just give you one scenario. Go back to the original, my dilemma, where I give an allowance to my children. I would be terribly insulted if he were to call up my wife or my children to see whether I had in fact given an allowance to my family if he did not take my word for it. What you are saying is that if you put "shall" in here, he or one of his staff has to verify it, because otherwise he "shall" verify it.

Hon. Mr. Scott: Not only is that a problem, but the other problem is that he cannot verify it. Certainly if you say, "My income last year was \$5,000 from something," he can verify that, and he did by asking for our income tax returns. But if you tell him, "That is all the real estate I own, Mr. Aird," there is no way he can verify that. In other words, some information can be verified, other information cannot be verified and it depends, at the end of the day, on the member's honour. If I tell him I do not own any shares in a company at all, there is no way he can verify that without searching my house.

Mr. Breaugh: So there is your weasel word in here.

Hon. Mr. Scott: No, no.

Mr. Breaugh: Ah. I should have recognized it. Sorry, Jack.

Hon. Mr. Scott: No, I am simply saying, what is the point of imposing on the commissioner an obligation he cannot discharge?

Mr. Faubert: The onus is on the member. If you are going to hang the member, the point is, it is the same as Mr. Breaugh's earlier argument about transferring of responsibility. The responsibility for the accuracy of the statement lies with the member, not with the commissioner, and you do not shove it off on the commissioner. If you are going to hang the member, then the member is responsible. It is a question of responsibility. The member should be responsible for that statement. If it is inaccurate, then he should suffer the consequence of the inaccuracies, not the commissioner.

Mr. McClelland: I could not have said it any better. Thank you, Mr. Faubert.

Mr. Sterling: I think the reasoning behind this is that if in a statement that a member made in terms of disclosure there were apparent conflicts in what he was stating, we wanted to get the commissioner this additional power to then look into the background of the particular disclosure. You see, I think that when the commissioner makes his public statement, people are going to assume he has looked into the matter and this is what he has found. They will not assume it is totally up to the member to make all of the moves in that particular regard.

For instance, as he did with regard to Mr. Sorbara's disclosures, he looked behind the original company as to really what the company meant. He found that there were 16 other companies--I believe that is the number involved underneath that--and that he was also the trustee of a family trust in which he would be the ultimate beneficiary, or partially the ultimate beneficiary. So it appears that he did look behind what Mr. Sorbara originally presented to him, and that is all this is: to give him powers to do that if he finds something which he cannot explain or which the member is not explaining to him.

Hon. Mr. Scott: The other difficulty with it is that it fundamentally undercuts the commissioner's ultimate inquiry, because if, as Mr. Faubert says, the member's honour basically is going to be to tell the commissioner certain stuff, "I do not own any land anywhere in the world, Mr. Commissioner," he is not going to be able to verify the accuracy of that. If you impose on him, even if he thinks it appropriate, the obligation of making an inquiry, and he makes it and he believes me--because it has got to be a

question of credibility--then when the real hearing comes up, when some member alleges that I do own land in such and such a place, you are going to be confronted by the fact that the commissioner has already conducted a Public Inquiries Act determination and made a determination against the proposition that the competing member wants to advance. It is just not going to work.

Mr. Breaugh: You guys are convincing me that Sinclair Stevens was just misunderstood.

Hon. Mr. Scott: No, no, no, no.

Mr. Chairman: There is an amendment put forward, known as section 12a, by Mr. Johnson. We will have a vote on that.

All those in favour of the amendment?

All those opposed?

Motion negatived.

La motion est rejetée.

Mr. Chairman: Any further amendments to section 12? If not, shall--

Mr. Breaugh: I have a request for you. I do not have any further amendments, but we would like the opportunity to vote against this. We can do it in two ways. You can give me 20 minutes to find my other member, or you can simply stand down the section, which would facilitate having the votes concur.

Mr. Chairman: You want your other member here when you vote against this?

Mr. Breaugh: That is right.

Mr. Chairman: Why do we not just stand it down then and go on to--

Mr. Breaugh: That would make sense.

Interjection: Stand it down until 2 o'clock?

Mr. Chairman: Until 2 o'clock.

Mr. Breaugh: I do not want to interrupt the proceedings when we meet this afternoon just because we want to vote against something. It will facilitate the matter if you allow us to stand down those sections. We will just call the votes, so we can find my friend Mr. Philip and get him in here.

Mr. Chairman: So we can proceed then?

Mr. Breaugh: Yes.

Section stood down.

L'article est reporté.

Mr. Cordiano: Let us be clear. How many sections have we stood down?

Mr. Chairman: We have only stood down section 5 and section 12.

Interjection: And the definitions.

Mr. Chairman: Section 1 and sections 5 and 12.

Mr. Cordiano: Perhaps we could deal with all of those together.

Mr. Breaugh: What I am saying is let us go through the bill, stand down sections where people have objections or want to do something like that, and then do the votes at the end of the proceedings.

Section/article 13:

Mr. Chairman: Section 13.

Mr. J. M. Johnson: We have an amendment--

Mr. Chairman: To section 13?

Mr. Breaugh: Could we have some idea of how late you want to go this morning?

Mr. Chairman: Mr. Breaugh has raised a point as to how late you want to sit through lunch hour. My plan was to go to 12:30, but if the committee wishes to adjourn now--

Interjection: Let us adjourn now.

Mr. Chairman: Before we adjourn, I want to draw to your attention the fact that I have been in contact with Mr. Conway's office with regard to sitting on Monday. I have been advised that what we should have, if this work is not completed today and we are not sitting tomorrow, is a resolution by the committee asking permission to sit on Monday to finish the bill. It would be assumed that we would finish it on Monday if we do not finish it today.

Mr. Breaugh: I would be happy to move that motion. I do not know whether we are going to need it. We will not know that until later this afternoon, but if you want the motion on the record, I will move that we sit on Monday.

Mr. Chairman: Mr. Breaugh moves that the committee request permission to sit on Monday, January 25, 1988.

It is assumed that Monday would be the maximum we would need in order to finish this bill.

Mr. Breaugh: You can make that assumption if you want.

Mr. Chairman: No, I am just saying--

Hon. Mr. Scott: You have not heard the peroration for the New Democratic Party. It may take an hour.

Mr. Chairman: OK. Let us ask permission to sit next week. If Mr. Breaugh wants to include that in his motion, I will take that to the House leaders, assuming that Monday would probably be enough.

Mr. Breaugh: No. I am moving the motion that the committee ask for permission to sit on Monday. That is my motion.

Mr. Chairman: That is your motion.

Mr. Breaugh: You can move anything you want.

Mr. Chairman: All those in favour of that motion? Opposed? That is carried.

Motion agreed to.

The committee recessed at 12:04 p.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

MEMBERS' CONFLICT OF INTEREST ACT

THURSDAY, JANUARY 21, 1988

Afternoon Sitting



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)

Breaugh, Michael J. (Oshawa NDP)

Cordiano, Joseph (Lawrence L)

Faubert, Frank (Scarborough-Ellesmere L)

Johnson, Jack (Wellington PC)

McClelland, Carman (Brampton North L)

Polsinelli, Claudio (Yorkview L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

Swart, Mel (Welland-Thorold NDP)

Substitution:

LeBourdais, Linda (Etobicoke West L) for Mr. Morin

Clerk: Forsyth, Smirle

Staff:

Schuh, Cornelia, Deputy Senior Legislative Counsel

Witness:

From the Ministry of the Attorney General:

Scott, Hon. Ian G., Attorney General (St. George-St. David L)

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Thursday, January 21, 1988

The committee resumed at 2:12 p.m. in room 230.

ORGANIZATION

Mr. Polsinelli: Order. I have been advised by the chairman that he cannot be here this afternoon. He is on government business. The clerk has some comments to make.

Clerk of the Committee: In the absence of the chairman and the vice-chairman, we are going to have to elect an acting chairman, if I could have a motion to that effect.

Mr. Faubert: I move that Mr. Polsinelli be acting chairman.

Clerk of the Committee: Are there any further nominations? There being no further nominations, I declare Mr. Polsinelli acting chairman.

The Acting Chairman: I would like to thank the committee for its vote of confidence and I would like to advise that I have a half an hour acceptance speech prepared.

Interjection.

The Acting Chairman: It is too late.

Hon. Mr. Scott: Do you want me to introduce the amendment now that exempts all government members from disclosure or should we do that later?

The Acting Chairman: We will do that one later.

MEMBERS' CONFLICT OF INTEREST ACT

(continued)

LOI SUR LES CONFLITS D'INTERETS DES MEMBRES DE L'ASSEMBLEE
(suite)

Consideration of Bill 1, An Act to provide for greater Certainty in the Reconciliation of the Personal Interests of Members of the Assembly and the Executive Council with their Duties of Office.

Etude du projet de loi 1, Loi assurant une plus grande certitude quant au rapprochement des intérêts personnels des membres de l'Assemblée et du Conseil des ministres avec les devoirs de leurs fonctions.

Section/article 13:

The Acting Chairman: At the close of this morning's session, I believe we were dealing with section 12. We had completed that and stood it down for the vote. We are now on section 13. Are there any comments on section 13?

Mr. Sterling: We had a section that I think would require the

unanimous consent of the committee. We wanted to make a motion which allowed a member to obtain independent legal advice at the expense of the Legislative Assembly fund. I understand there was a ruling in my absence that it was out of order. I understand also that this kind of thing could be put in at the instance of the minister. I just wonder whether he has any inclination to put that kind of clause in.

Hon. Mr. Scott: I was asked that when the previous matter came up and I said no.

Mr. Sterling: We have no amendments then.

Mr. Breaugh: Just to beg the question, how are we going to resolve the matter of whether a member is indeed entitled to some legal advice under a bill such as this?

Hon. Mr. Scott: Can I just try to summarize where we are? There are, I presume, three times when a member may require some advice. I do not say legal advice because it may be accounting or bookkeeping assistance as well.

There are three stages. The first is when the member is collecting his financial history for the purposes of preparing a disclosure statement under section 11. The second occasion would be when the member is either advancing a claim of conflict before the commissioner or defending a claim of conflict brought against him before the commissioner when the inquiry is under way. The third circumstance is when the member, more usually a member of the executive council, has to make arrangements to discharge his financial obligations or to put his business into a trust or any of the other things that are contemplated by section 7.

The committee may feel that one or all of those occasions should be occasions on which the costs the member has should be defrayed. For example, under the federal act, de facto, it appears that the federal government pays the costs of both prosecuting a claim for conflict of interest and, mirabile dictu, defending such a claim as the royal commission recently concluded illustrates.

The federal act itself or the federal rules contemplate that a cabinet minister will have the costs of establishing and maintaining his trust paid for by the public. This bill refers to none of those matters and it seems to me, as I said the other day, that is the kind of matter on which the Board of Internal Economy, out of whose funds the sums will come, may want to consider either during passage of the bill or after its passage.

Mr. Breaugh: You are prepared then to just leave it for another day. My problem with that is very simply that it is apparent to me this bill has in it the potential to cause a member to go to some considerable expense. I do not quite care how you handle this. It could be, for example, that when we report the bill we refer the matter to the Board of Internal Economy for its consideration, but I do think that in some way you have to account for the obvious, that there may be an occasion when some considerable expense, trouble and bother is caused by the bill and that will have to be accommodated in some way.

I am reluctant to get much more specific than that because I do not want to paint the broad brush that allows something like Sinclair Stevens's legal fees to be dumped on the Legislative Assembly, but I am aware that there may be, and there probably will be, an occasion when it might be an accountant, a

lawyer or someone else who would be required. I am really thinking in my mind anyway that perhaps a better way to do it would be to say under this section of the act that the commissioner may offer such advice or assistance to the member and make it the responsibility of the commissioner and his office to set the standards for how much advice you can get and what kind of advice. Otherwise, the member would--

Hon. Mr. Scott: I think there is a major difficulty if the commissioner offers the assistance because more often than not, especially in the first case I listed, the assistance is going to have to come from the member's own staff or bookkeeper or accountant or what have you, and the commissioner will not be able to offer any assistance except by way of defraying the costs. The costs are going to vary. If the accountant or bookkeeper is on a salary, for example, the costs may be either a proportion of the salary, bearing in mind the time allocated, or nothing in the sense that nobody has been retained to do anything special.

My instinct, Mr. Breaugh, recognizing the problem and the realities, is that if a resolution of this committee is required, we should refer the matter to the Board of Internal Economy out of whose funds this will come--a highly consensus-oriented tribunal, I am led to believe, so consensus-oriented I have never been asked to sit on it--and see what resolution it devises. If any statutory enactment were required as a result of their initiative, we might be able to include it in the bill on consent.

Mr. Breaugh: Is it agreed then that we would in fact forward some simple resolution pointing out to the board that this situation may occur and ask it to report on it?

Hon. Mr. Scott: I hope that we would not try to tell them this committee's view particularly. We might simply recite the three occasions when a member may want to protect himself or, to meet the requirements of the act, to get some assistance, which might be of a wide variety of kinds from bookkeeper or secretarial to legal.

1420

Mr. Breaugh: I would be happy, if there is general agreement in the committee, to do it in that manner, just to forward to the board a resolution from the committee that perhaps the clerk could draft, and before we finish with the bill, put the motion on the table and refer it in that manner to the board.

Hon. Mr. Scott: Mr. Chairman, Mr. Breaugh is quickly becoming the cosponsor of this bill. I can think of nobody more suited to take on that task. We look forward to his support in the House, as he has given it in committee, and regard this bill as a joint project of the government and the official opposition.

Mr. Breaugh: My lawyer is Bob Callahan.

The Acting Chairman: Is there any further discussion on section 13?

Mr. Sterling: My understanding is that the clerk is then going to write a letter pointing out the three occasions and the fact that we would like some answer from the Board of Internal Economy prior to the bill being brought forward for third reading on February 8.

The Acting Chairman: I am advised by the clerk that he will attempt to draft a motion today, which the committee may consider.

Is it the pleasure of the committee that section 13 carry?

Section 13 agreed to.

L'article 13 est adopté.

Section/article 14:

Mr. Breaugh: I have an amendment from the Conservatives on section 14. Are they pursuing that?

The Acting Chairman: Are you pursuing that amendment, Mr. Sterling?

Mr. Sterling: This is a section I find I do not quite understand in terms of trying to cut off the options of the Legislative Assembly in the future. Where a matter has been referred to the commissioner under this section, subsection 4 says that the Legislative Assembly or a committee thereof shall not conduct an inquiry into the matter until the commissioner has reported his or her opinion and has recommended that such an inquiry be conducted. I am concerned that if the commissioner undertakes an inquiry of his own but cannot resolve the matter, we are not leaving this option open. Why not?

Hon. Mr. Scott: The commissioner will be able to resolve every matter that is raised. He will conduct an inquiry and he will make an opinion or give his report. The legislative role, under a subsequent section, is to accept or reject that report. Frankly, the genesis of this legislation is to prevent inquiries from being conducted by committees of the Legislative Assembly.

First of all, I do not sense that members enjoy doing that; not that that would prevent them from doing their duty--it has not--but it is not a role in which members are naturally comfortable. In times of minority government, the roles of the parties in an inquiry are, no doubt inadvertently, misunderstood by the press and the public and in times of majority government, people say the results of a committee deliberation are a whitewash.

The effort it to get away from that phenomenon by allowing the inquiry--what are the facts, what has happened, whether the rule was breached--to be determined by the commissioner. At the end of the day, the Legislative Assembly controls the process by accepting or rejecting the recommendation if the commissioner finds an offence.

I presume if the commissioner found an offence and judged that someone should be reprimanded, the method by which the Legislative Assembly would indicate its dissatisfaction with that would be to reject his recommendation of a reprimand.

Mr. Sterling: Maybe you can enlighten me. The Legislative Assembly is supposed to be the highest court or the highest authority in the land in dealing with matters that affect the Ontario Legislature. I do not think I have ever seen an act where we have limited or attempted to limit our authority, or whatever, in the confines of an Ontario statute.

Hon. Mr. Scott: It is the highest court in the land, but I think the experience is that in matters of inquiry, it is not always court-like.

That is why, for example, in the Sinclair Stevens case, the original recommendation of the government to refer the matter to a committee of the House of Commons was so vigorously rejected by the opposition parties. It was not because they had anything against any members of the committee of the House of Commons who were going to judge Sinclair Stevens. They simply felt that would not have the earmarks of an independent inquiry.

That is why it went to royal commission, and I guess everybody wonders which was worse at the end of the day in terms of length and expense. The idea here is to develop an independent inquiry mechanism so that members of the assembly can get what we would want for our fellow citizens, that is, an opportunity to be judged independently by an officer who exhibits certain impartiality.

Mr. Sterling: I do not understand why a statute would limit the decisions of future legislative assemblies, and I am not even sure it can.

Hon. Mr. Scott: Maybe after a few more years in opposition, you will develop a sense of that, but that is--

Mr. Sterling: Is there any other statute in Ontario that attempts to limit that?

Hon. Mr. Scott: No, but there is a whole common law provision that limits the authority of the Legislative Assembly. We will be coming to the fines and penalties provision shortly, and I will have to tell you at that stage that I do not think the Legislative Assembly of Ontario, no matter how high the authority, has the right under the Charter of Rights to impose a fine on a member.

Mr. Sterling: I am going to--

The Acting Chairman: Mr. Sterling, Mr. Breaugh has a supplementary.

Mr. Sterling: Sure, but I am going to withdraw our amendment. Obviously, it is not going to carry, but I would prefer that this section, when we carry it--because we are going to vote in opposition to subsection 14(4) in general--we would as soon prefer it not to be there.

The Acting Chairman: Mr. Breaugh, do you have a supplementary?

Mr. Breaugh: Yes. I want to entertain for a bit some of what Mr. Sterling had to say in the latter part of his remarks. I am very uncomfortable with this section. I do not think it should be there. I do not think it can be there. I do not think that this bill can overrule in any sense the right of the assembly or a committee of the assembly to do whatever it wants.

I can hear that the argument will be that this is sub judice in the sense that it is off before some inquiry being held by the commissioner. I can see the argument that it is not appropriate for the assembly or a committee of the assembly to take up the matter, but I do not see how you would preclude, for example, a member speaking on the matter.

Hon. Mr. Scott: You would not.

Mr. Breaugh: I do not think you could. I do not see how you would preclude a member going off the committee and expounding at great length on the matter. I do not think you could do that either, so the position I am left with is that there is going to be a political judgement call all the time, majority or minority, on this matter.

I think it is silly to put in this act the pretence that nobody is going to talk about it, because they will if they want to, or to say that in a formal way they cannot proceed because the assembly itself may decide at some point in time that it wants the commissioner to conduct an inquiry but it also wants to begin the process of a legislative inquiry.

One inquiry may be looking at financial transactions and a committee of the assembly may be looking at the behaviour of the member. I just think you put yourself in a little bind here by putting in subsection 14(4). Most of the time that I can think of, you would not want a legislative committee doing anything until such time as the commissioner has reported. In every circumstance I can think of, the political judgement call would be that first the commissioner will investigate and report and then the matter will be taken up by a legislative committee.

I do not think that anything you could put in here is going to preclude anybody from saying whatever he wants to say on any matter. There will be obvious scenarios where ministers will say, "That is sub judice and I do not want to comment on it," and they will not have to comment on it. But you will not stop the opposition members from asking whatever questions they want, you will not stop them from making whatever speeches they want and you will not stop them from going to a committee and doing the same thing there. You are not going to stop the committee or the assembly taking up the matter in the broadest sense possible.

1430

It seems to me that the best option is simply to remove this section from the act and leave it alone and let the political judgements fall on whatever the circumstances of the day turn out to be. I think you are going to get what you want without stating it in the act. I always hate it when we have these stupid arguments where somebody stands up and says "You can't debate the matter" and then we proceed to debate it for four days because, of course, we can debate the matter.

It is kind of like, on one side of the House, somebody decides "That's not proper and so you shouldn't do that" and on the other side of the House, people simply stand up and say, "Proper or not, we're going to do it" and they proceed to do it.

I think we could do without that. I think it is a neater approach to strike subsection 4 and leave it alone. I understand the intent and I think that intent would rule the day in most circumstances that I can think of, but all you are doing here is muddying an argument.

Hon. Mr. Scott: That is a great speech, but the fact is that the section does not prevent your doing any of the things that you want to do. First, apart from the standing orders, standing order 15, which I do not understand, there is no sub judice rule, as I understand it, at law. You are perfectly entitled to comment on any matter that is coming before a court, unless it is a jury trial, not then.

So, for my part, I hope I never tell you that we cannot discuss something because it is sub judice, subject to the rule which, as I say, I do not understand.

Mr. Breaugh: I will have Mr. Callahan confer with you.

Hon. Mr. Scott: This section does not say you cannot ask a question. It does not say you cannot discuss anything you want in the speech from the throne debate, or at estimates or, indeed, on a special motion to consider an urgent matter, or try to sneak it in when the Escheats Act is being discussed or any of those things. You can do that, as you always have, sneaking stuff in.

Mr. Breaugh: It is my job.

Hon. Mr. Scott: It should be continued, and nothing in this section prevents that. What it says is that the Legislative Assembly, or a committee of it, will not conduct an inquiry into the matter. What is the matter? The matter is the complaint and its determination. The act does not contemplate two bodies doing the same work. The reason we have the commissioner doing it is because there is some sense of natural dissatisfaction about the way committees do it.

This bill is very much born out of experience.

Mr. Breaugh: Yes, 44 years of it.

Hon. Mr. Scott: Vote, vote, vote.

The Acting Chairman (Mr. Polsinelli): There being no further discussion, I suggest we take a vote at this time. Perhaps what we should do is vote on it section by section. Is that the committee's wish?

Is it the pleasure of the committee that subsections 14(1) to 14(3) carry? Carried.

Shall subsection 14(4) carry?

Interjection: No.

The Acting Chairman: All those in favour of subsection 14(4) will please raise their hands? All those against? I declare the subsection carried.

Section 14 agreed to.

L'article 14 est adopté.

Section/article 15:

Mr. Breaugh: Does the member want to move his amendment first?

Mr. Sterling: We are not moving an amendment.

Mr. Breaugh: OK. So the Progressive Conservative amendment is off the table.

The Acting Chairman: Do I understand the Conservative amendment is being withdrawn?

Mr. Breaugh: Yes.

The Acting Chairman: Mr. Breaugh moves that subsection 15(3) of the bill be amended by adding thereto at the end: "if it is in session or if not, at the next ensuing session."

Mr. Breaugh: That resolves a little technical problem.

Hon. Mr. Scott: The government has no objection to that quite sensible amendment. It makes Breaugh thinks he has done something.

Motion agreed to.

The Acting Chairman: Shall section 15, as amended, carry?

Mr. Breaugh: I am not so sure about that.

The Acting Chairman: All those in favour of section 15, as amended, raise your hands. All those opposed?

Section 15 agreed to.

L'article 15 est adopté.

Section/article 16:

Hon. Mr. Scott: The government has a major motion here, if you want to deal with it first. Perhaps you do not. There are some other ones, but I think it will help resolve how we deal with the other ones.

Mr. Breaugh: Do you want to do my little subsection 16(1a)?

Hon. Mr. Scott: Sure.

The Acting Chairman: Mr. Breaugh moves that section 16 of the bill be amended by adding thereto the following subsection:

"(1a) The assembly shall consider the commissioner's report and respond to it as subsection 2 provides within six months of the day the report is laid before the assembly."

M. Breaugh propose que l'article 16 du projet de loi soit modifié par adjonction du paragraphe suivant:

«(1a) Dans les six mois à compter du jour où le rapport du commissaire est déposé devant l'Assemblée, celle-ci l'étudie et y répond selon ce que prévoit le paragraphe (2).»

Mr. Breaugh: You may recall we had our little discussion about that earlier and that is legislative counsel's version of how that should be worded.

Hon. Mr. Scott: You have provided two options to us, Mr. Breaugh. Do they both use the word "respond"?

Mr. Breaugh: Let us see what the second one does.

Hon. Mr. Scott: The only technical question I had for the legislative counsel or perhaps the clerk, is whether "respond" is the proper word. I know what you meant, but you want the legislature to act on the report.

Mr. Breaugh: This is the one that I had chosen as being the preferred wording.

Hon. Mr. Scott: The difference is "laid before the assembly" or "made to the Speaker." Which did you move?

Mr. Breaugh: Laid before the assembly.

Hon. Mr. Scott: All right. In that you ask that the assembly should consider the report and respond to it. The only question I have is whether "respond" is the appropriate legislative word.

Ms. Schuh: I do not think there is an appropriate legislative word.

Hon. Mr. Scott: All right.

Ms. Schuh: I think this is clear, given that we say "respond as subsection 2 provides."

Hon. Mr. Scott: All right, I do not have a problem. We have no objection to this amendment.

Motion agreed to.

La motion est adoptée.

Hon. Mr. Scott: Of your suggestions, 19 have been accepted and one has been rejected.

Mr. Sterling: We have a few amendments under subsection 16(2) and subsection 16(3), but the Attorney General said he had some amendments.

Hon. Mr. Scott: Yes, I do not have the amendment that I circulated in front of me, but the effect of our amendment was to strike out clause 16(1)(b) and clause 16(1)(c). Would you like me to have that one moved first?

Mr. Breaugh: That would probably assist.

The Acting Chairman: Mr. Breaugh moves that clauses 16(1)(b) and 16(1)(c) be struck out.

M. Breaugh propose que les alinéas 16(1)b) et 16(1)c) soient supprimés.

Hon. Mr. Scott: Well, that is a help.

The Acting Chairman: Shall Mr. Breaugh's government motion carry?
Carried.

Motion agreed to.

La motion est adoptée.

Mr. Sterling: I have an amendment to subsection 16(2). Our concern here is that of either accepting or rejecting a resolution of the commissioner; that is, the commissioner's recommendation has to get support of at least some of the opposition in a normal parliament. Therefore, we have picked the figure of 75 per cent in terms of the approval of the commissioner's report. In normal times, when you have a majority government,

the government of the day will control whether or not a resolution of the commissioner is either accepted or rejected.

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The Acting Chairman: Mr. Sterling moves that subsection 16(2) of the bill be amended by inserting after "may" in the first line, "by resolution adopted by at least 75 per cent of the members."

M. Sterling propose que le paragraphe 16(2) du projet de loi soit modifié par adjonction, après «peut» à la première ligne, des mots «au moyen d'une résolution adoptée par au moins 75 pour cent de ses membres».

Hon. Mr. Scott: We have had another motion like this, and the government opposes this one as well.

It does not seem to me that we should begin the practice in the Legislative Assembly of establishing special majorities for special kinds of issues. The assembly just is not designed to permit that kind of operation.

There are certain items that require, as we said before, a very high level of consensus, and if the temper of the times is such that that consensus is not available, it does not mean the government is powerless, but it means that the government acts at its peril. That has always been the rule on the selection of a Speaker, a Clerk, the appointment of officers of the House, and this may well fall into that category, but it seems to me to start the business of establishing special majorities for special items in a House that generally adopts a simple majority principle is a fundamental change. I do not know of any parliamentary system that has adopted it. I am not saying it is wrong. I am simply saying that if we are going to adopt it, we had better look at it at large and not deal with it simply by accident in one bill.

For example, I would have thought that if you thought, as we did earlier, that a high level of consensus was required for the appointment of a commissioner, a 75 per cent plurality would not be sufficient because it would exclude the third party, and the consensus principle would not exclude the third party. We are trying to give you every opportunity to have maximum impact.

Mr. J. M. Johnson: We appreciate that.

Hon. Mr. Scott: Thank you, Mr. Johnson.

The Acting Chairman: All those in favour of Mr. Sterling's motion will please raise their hands. All those against?

Motion negatived.

La motion est rejetée.

The Acting Chairman: Do you have another amendment to add a section, Mr. Sterling?

Mr. Sterling: Yes.

The Acting Chairman: Perhaps we can finish up on 16(1) and then we will deal with your amendment.

Mr. Sterling: Certainly.

Hon. Mr. Scott: Have you one coming up?

Mr. Sterling: Yes.

The Acting Chairman: I was just going to suggest that we finish off with subsection 16(1) and then deal with the new amendment. I was going to suggest that perhaps the words "or any combination of them" in this section do not quite make any sense.

Hon. Mr. Scott: I think that is correct. The words at the bottom of subsection 16(1) "or any combination of them," are obviously inappropriate, unless you contemplate giving someone a reprimand and a vacate--

Mr. Breaugh: I move that we delete the words "or any combination of them," in subsection 16(1).

Hon. Mr. Scott: The secret of this committee is to deal with a simple motion.

The Acting Chairman: Mr. Breaugh moves that the words "or any combination of them" in subsection 16(1) be deleted.

M. Breaugh propose que les mots «une ou plusieurs des mesures suivantes», dans le paragraphe 16(1), soient supprimés.

Shall Mr. Breaugh's motion carry?

Motion agreed to.

La motion est adoptée.

The Acting Chairman: Shall subsection 16(1), as amended, carry?
Carried.

Mr. Sterling, do you have another amendment to section 16?

Mr. Sterling: Yes.

The Acting Chairman: Mr. Sterling moves that the first seven lines of subsection 16(1) of the bill be struck out and the following substituted therefor:

"Where the commissioner conducts an inquiry under parts I and II of the Public Inquiries Act for the purposes of this act and finds that a member of the executive council has contravened section 3, 4, 5, 6, 7 or 8, or has refused to file a disclosure statement within the time provided in section 11 or has filed an inaccurate disclosure statement, the commissioner may recommend to the Premier that the member of the executive council be reprimanded or that the member of the executive council be asked to resign or be removed from office."

M. Sterling propose que les sept premières lignes du paragraphe 16(1) du projet de loi soient remplacées par ce qui suit:

«Si le commissaire fait une enquête en vertu des parties I et II de la Loi sur les enquêtes publiques aux fins de la présente loi et constate qu'un membre a contrevenu à l'article 3, 4, 5, 6, 7 ou 8, qu'il a refusé de déposer un état de divulgation dans le délai prévu à l'article 11 ou qu'il a déposé un

état de divulgation inexact, le commissaire peut recommander au premier ministre que le membre du Conseil des ministres soit réprimandé ou que l'on demande au membre du Conseil des ministres de démissionner ou qu'il soit destitué.»

Hon. Mr. Scott: The government is opposed to that motion. First of all, it will be apparent to the House very quickly who has not filed a disclosure statement, and the House will be able to deal with them, as will the public.

The second thing is, whether the disclosure statement is inaccurate may be culpable or it may not be, and I do not think you should compel either a reprimand or vacating the seat in the event that it is inaccurate.

Interjection: It is only ministers.

Hon. Mr. Scott: Why does it apply only to ministers? You guys are just as likely to file an inaccurate one or fail to file one as anybody else.

Mr. Sterling: I think the reprimands relating to a member are already taken care of in subsection 16(1).

Hon. Mr. Scott: If you are going to have a penalty for failing to file a disclosure statement on time or for filing an inaccurate one, I do not see why ordinary members of the House should not get the same penalty as cabinet ministers.

Mr. Sterling: Because they do not have the same privileges as cabinet ministers. In other words, you cannot make me no longer a cabinet minister, because I ain't one. That is what we are basically saying here.

Hon. Mr. Scott: So you can file an inaccurate and late disclosure statement and nothing will happen to you, but "Watch out, Scott, if you do it."

Mr. Sterling: No. That is not true, because 16(1) already takes care of me.

Hon. Mr. Scott: Vote. Vote, vote.

Mr. Breaugh: Sounds fair to me.

Mr. Sterling: It may be fair to Mr. Breaugh, but subsection 16(1) already takes of me.

Hon. Mr. Scott: You are trying to end 42 years of government too early.

Mr. Breaugh: No, 44 years of government.

Hon. Mr. Scott: Sorry.

The Acting Chairman: All those in favour of Mr. Sterling's motion--

Mr. Sterling: Just a minute. Before we vote, I just want to make one more statement in terms of the two committees that did hear conflicts with regard to ministers of the present government. I am talking about the member for Oriole (Mrs. Caplan) and the member for Cochrane North (Mr. Fontaine). In

both of those cases, and particularly in Mr. Fontaine's case, where I was part of that inquiry, the committee identified a conflict and both of those people are now cabinet ministers. I guess that is the concern we have here, that if he is going to carry on that inquiry, the commissioner should be given some teeth in terms of dealing with cabinet ministers.

Mr. Breaugh: I am not quite sure I am in total agreement with the proposed amendment here, but I think there is a point. I am not totally convinced at the moment that it is all that important a point, but I think it is something we do have to deal with.

We have seen on more than one occasion now people simply being late in filing; in fact, all of the disclosure statements, for example, being late. I think we have all said: "This is the first time through the process. It is unfamiliar. It may take a little more time than originally thought." I am wondering how much of this is appropriate, for example, for those who might not choose to fulfil the disclosure requirements on time or who would actually provide some information which was inaccurate. What then are the recourses?

Do we want the whole act to kick in? This is where I am struggling a bit with the amendment. If the amendment is put forward to say, "Nobody can get into cabinet and formally take office and hold those duties unless he fulfils all the requirements of the act," in other words, if it is preventive, in a sense, the commissioner would simply say, "You may intend to put this person in the cabinet but you cannot do that until such time as all of these requirements of the act are met." In general terms, that is the intention, because we say you can go into the cabinet and we will take a few more days and file documents and the commissioner will table a report and all of that. So I do not have that problem.

There is a little awkwardness in the way the amendment is proposed. That is what is causing me the problem here. If the intention is to simply say there ought to be a mechanism whereby the commissioner can force the minister, in this case, to fulfil all the obligations and requirements under the act and this would be the mechanism, I find that reasonably supportable.

1450

Hon. Mr. Scott: The motion attempts to deal with two things: the failure to file a statement or to file it on time, and filing an inaccurate statement.

If the member refuses to file a statement, which is not quite the same as failing to file on time but is a refusal, which presumably is what you want to get at--"I am just not going to do it"--then the commissioner can conduct his inquiry as to why he refused to file it. Under section 16, that is explicitly a thing for which reprimand and vacating of the seat can be granted. So the complete refusal to file one could lead to the member losing his seat.

If he files an inaccurate statement, the inaccuracy will become apparent, no doubt, during the course of an inquiry about an allegation that is made against him. Someone will say, "You owned 100 shares of International Nickel, you are the Minister of the Environment and you voted on the Inco control order." The complaint is made to the commissioner. The minister's statement does not show that he owned 100 shares of International Nickel, but that is established in the evidence. It is an inaccurate statement. There is a conflict and the minister is going to be reprimanded or ordered to vacate his

seat. But if in the course of that inquiry it should also turn out that he failed to list 100 shares of Bell Telephone, it does not follow that that is culpable and it does not lead to any offence in that case.

The filing of an inaccurate statement may occur because the minister is a liar and a cheat or simply for some reason of overlooking it. If he overlooked it, that does not prevent a finding of conflict. So I do not think you need the second one.

Mr. Breaugh: Where I am having a little difficulty--and part of the problem is the awkwardness of the motion itself--is that in a number of other sections of the act we have gone through the obligations on the part of the member to file disclosure statements for spouses, for example. It seems to me that is probably one area where, sooner or later, it will happen that a spouse says, "I refuse to give you the information that you have to file," and the proposed member of the cabinet will find himself or herself in difficulty because he has a requirement to file information and he cannot get the information. That may be by accident or by design--the marriage may have dissolved, a variety of things could have happened--and we have not quite dealt with that case.

I suspect what would happen without the amendment is that the commissioner would take note of the fact in tabling his report and the disclosure statements, or some kind of interim report would report: "These requirements have not been met. Here are the reasons I have been given that it is not here, but I do not know what to do with it now." Does the member stay in the cabinet? Is the member out of business? Have we done something here to cause him to lose his seat? I am just thinking we have not really dealt with that one of many loopholes.

Hon. Mr. Scott: I think we have. Let us take the case of a male member whose wife for some reason becomes unco-operative on this score. When the time comes to make the section 11 disclosure, the member's wife says, "I am going to have nothing to do with this and I am not telling you anything." The member then makes a disclosure statement for himself and his wife as best he can. He will know some things about her assets. He will know that she owns half the house. He may also know where she banks, though he may not know the money in it. He will put down the bank, but he will say, "I do not know anything about the money." Or, "I know where she works, but I do not know what she is paid." In other words, under our statute, he is obliged to do his best in preparing the disclosure statement under section 11.

Then the time for the interview comes and the wife does not show up. Again, the commissioner will cross-examine him as carefully as he can as to his own assets and what he knows about his wife's. Then the public disclosure statement is made, with all the information that the member--his wife not coming--can provide. There is no way to compel his wife, unless you are going to act like a court of law and issue subpoenas, which you cannot do under this kind of legislation without invoking the Charter of Rights. The public disclosure statement will be declared to be a disclosure statement made on the basis of the information that the member alone gave. That is the best you can do in that circumstance.

Now, let us assume that the minister is the Minister of the Environment and some allegation is made that he made a decision when he was in a situation of conflict because of either his own property or his wife's property. No such impugned property is shown on the list. The inquiry can still take place, and the commissioner has the power at that stage to subpoena to see if that

property is owned by the wife or by him or how and call in witnesses, accountants and all the rest of it. Then you find out if the property was owned and if there was a conflict. If there was, the member is punished in whatever way the commissioner thinks right, but he is not necessarily punished because he failed to produce information that was within the exclusive possession of his wife.

Mr. Breaugh: Whether it is this amendment or something similar, this is where I think something may have to be done. It is not quite so farfetched as one might think that we will be into this argument. We just had a federal member of the House of Commons say under oath, before a major inquiry, "I didn't know that my spouse borrowed \$1 million yesterday," and she concurred with the statement. Where I come from, this has no credibility.

Hon. Mr. Scott: Still south Oshawa?

Mr. Breaugh: South Oshawa; even in north Oshawa, at the supper table or at the breakfast table, if one spouse in a family borrowed \$1 million yesterday, I would bet the 23 cents I have on me at the moment that they would talk about it. To contrast that, under oath before a federal inquiry, both of them agreed that they did not mention the fact that one spouse borrowed \$1 million yesterday.

Hon. Mr. Scott: There is nothing unusual about that. When that evidence is given, you face two possibilities. Either the statement that it was not discussed is true or it is false, and a jury or a commissioner is selected to decide which of those two possibilities is true. All you are saying is that your constituents, empanelled as a jury, would probably believe it was false. In that case, they have Mr. Justice Parker in common with them. But there is nothing odd about that. There will be cases--hopefully very rare cases--where the account that is given is false. The explanation, "I didn't do this," "He didn't talk to me" or "She didn't tell me" will not be believed by the commissioner. That is his job.

The Acting Chairman: Mr. Breaugh, we are wandering a bit from the substance of the motion. I thought perhaps we could take a vote on it now. I understand the Attorney General would like a consultation for three minutes.

Mr. Breaugh: Oh yes, I have seen this act before.

Mr. Sterling: Could I just say that I think the discussion has got off the principal intent of the motion. The intent of the motion is to say there are at least two classes of people who occupy the seats in the legislative chamber. There are those who are ordinary members and there are those who are privileged to be members of the executive council. The penalties with regard to what happens do not deal with the two different kinds of animals that we have around here. The penalties deal with a reprimand and with vacation of the Legislative Assembly seat.

Our position as a party has been that this act is a cop-out in terms of the Premier's responsibility in dealing with the people that he appoints to cabinet. We think it is a cop-out in terms of saying to the commissioner: "Here you now have the responsibility of keeping track of people whom the Premier has appointed. You have in effect taken the responsibility off his shoulders." If you are going to give him that responsibility, then you must give him the right to recommend that a cabinet minister lose his job as cabinet minister. Otherwise, what you are really doing is not only making a cop-out but making it a poor cop-out as far as we are concerned.

The Acting Chairman: Is the committee prepared to take a vote on this amendment now?

Motion negatived.

La motion est rejetée.

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The Acting Chairman: Subsections 16(1) and (2) having already carried, we will move on to section 17.

Section/article 17:

The Acting Chairman: Are there any amendments or discussion on section 17?

Mr. Breaugh: I want to move that section 17 of the bill be struck out.

The Acting Chairman: Perhaps what we should do is, when I call for a vote on the section, the committee will vote against the section, rather than move that it be struck out, as it does not exist.

Mr. Breaugh: I was trying to save the government some embarrassment, that is all.

Hon. Mr. Scott: Can I make two observations? First of all, we have a small amendment to subsection 17(2), which is being circulated and which makes it read as clause 17(1)(a) and (b). You will remember that previously we extended the analogue of that section, which I think is subsection 5(4), and added (c). If we added (c) there, we should add (c) here. That is point one, and we will be asking somebody to move that small motion. I do not think it is one that members would dispute.

I just want to say a word about the section as a whole. This is the only section that creates an offence that is prosecuted in a court. You may say to yourself, "What is this doing in here?" The offence is one that is committed by a former member of the executive council. The reason for that is that under this bill, if the cabinet grants a contract to a former member of the executive council under section 6, the cabinet or the officers who grant it may be subject to inquiry by the commissioner and ordered to vacate their seat or reprimanded. Everybody remembers that.

Second, the former minister who makes the request for a contract can also be penalized. What do you do if the former member has left the House? Let us take two examples.

Let us assume that next month--they will forgive me for using their names--Mr. Keyes and Mr. Van Horne each requested the cabinet to make a grant to them of a prohibited contract under section 6, 12 months not having elapsed.

If the cabinet granted that contract, all members of the cabinet would be in breach of section 6 and would be subject to reprimand or to have their seats vacated, depending on what the commissioner found.

Mr. Keyes, being a member of the House, could also be disciplined, having sought to obtain the contract when he was a former minister. Mr. Van Horne could not be touched because he is not a member of the House any longer.

It struck us as anomalous that we would permit a situation in which a former cabinet minister, by leaving the House, can invite the cabinet to do something illegal. If they do it, they can be punished, but he cannot. That is why section 17 was put in here.

Mr. Sterling: Do you mean the amendment to section 17?

Hon. Mr. Scott: I am sorry?

Mr. Sterling: Is that why your amendment is to--

Hon. Mr. Scott: No. That is why section 17 is put in here, because a person is convicted under section 17 in a court and is subject to a fine.

The Acting Chairman): Mr. McClelland moves move that subsection 17(2) of the bill be struck out and the following substituted therefor:

"(2) Clauses (1)(a) and (b) do not apply to contracts or benefits in respect of further duties in the service of the crown.

"(2a) Clauses (1)(a), (b) and (c) do not apply if the conditions on which the contract or benefit is awarded, approved or granted are the same for all persons similarly entitled."

M. McClelland propose que le paragraphe 17(2) du projet de loi soit remplacé par ce qui suit:

«(2) Les alinéas (1)a) et b) ne s'appliquent pas aux contrats et avantages concernant d'autres devoirs au service de la couronne.

«(2a) Les alinéas (1)a), b) et c) ne s'appliquent pas si les conditions selon lesquelles le contrat ou l'avantage est accordé ou approuvé sont les mêmes pour toutes les personnes y ayant semblablement droit.»

Hon. Mr. Scott: That is to make the bill parallel to subsections 6(2) and (3).

The Acting Chairman: Is there any further discussion on this amendment? Is it the pleasure of the committee that this amendment carry?

Motion agreed to.

La motion est adoptée.

The Acting Chairman: Mr. Sterling, are you still going ahead with your amendments to section 17 or are you not going to be proposing those?

Mr. Sterling: No.

Mr. Breaugh: Hold on, Mr. Chairman. I have two amendments remaining that I would like to put into the latter sections of the bill. We have had a general discussion about lobbyists and things of that nature.

The Acting Chairman: I apologize, Mr. Breaugh. I have those in front of me and I did not see them.

Mr. Breaugh: A common problem amongst Liberals.

Section 17a would put a section into this part of the bill making it essentially an offence if one was not registered as a lobbyist and providing for a penalty. I appreciate that it appears we are doing this a little backwards, but the way the bill is scheduled, the section dealing with offences comes before the section dealing with regulations. I have called this 17a; you may want to do some renumbering.

The Acting Chairman: Mr. Breaugh moves that the bill be amended by adding thereto the following section:

"17a(1) No person shall, for a fee, seek to promote another person's interest for the purpose of influencing a member's decision or action, or hold out that he or she is available for the purpose, unless the person is registered as a lobbyist by the commissioner.

"(2) A person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000."

M. Breaugh propose que le projet de loi soit modifié par adjonction de l'article suivant:

«17a(1) Nul ne doit, moyennant contrepartie d'un honoraire, chercher à favoriser les intérêts d'une autre personne dans le but d'influencer une décision ou un acte d'un membre, ni faire croire qu'il peut être approché à cette fin, à moins qu'il ne soit inscrit en tant que lobbiste par le commissaire.

«(2) Quiconque contrevient au paragraphe (1) est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au plus \$5,000.»

Mr. Breaugh: If it would facilitate matters, we could stand down that section; I will move my second one, we can have the argument and then we could perhaps have the vote. Just prior to making a decision on that, though, how long is the Attorney General available this afternoon?

Hon. Mr. Scott: The Premier's office is a little behind today. They were going to call me down here when this delegation came in, so I would prefer to stay until they call and then ask to be excused. I thought it was going to be three; that is the timing of it, but obviously they are behind and it may not be until 3:20 or 3:30. Do you want five minutes?

Mr. Breaugh: No, I am just a little reluctant to embark on this great crusade and have you abandon me, as you are wont to do.

Hon. Mr. Scott: I am ready to vote.

Mr. Breaugh: If it is agreeable, I have put on the record what my amendment is, and if we could stand down section 17, we could move to the next one, which is section 18, where I have a similar amendment. We could have our great debate and then have our votes concurrently.

The Acting Chairman: So you are proposing that we stand down the vote on section 17 until you propose your amendment to section 18, and then we will have the vote on both sections? Is that the wish of the committee? We will stand down section 17.

Section stood down.

L'article est reporté.

Section/article 18:

Mr. Breaugh: There may be a little wording change required here.

The Acting Chairman: Mr. Breaugh moves that section 18 of the bill be struck out and the following substituted therefor:

"18. The Lieutenant Governor in Council may make regulations,

"(a) providing for the registration of lobbyists and for the refusal or cancellation of registration;

"(b) governing the conduct of registered lobbyists;

"(c) prescribing any matter that is referred to in this act as prescribed by the regulations."

M. Breaugh propose que l'article 18 du projet de loi soit remplacé par ce qui suit:

«18 Le lieutenant-gouverneur en conseil peut, par règlement:

«a) prévoir l'inscription de lobbistes ainsi que le refus ou l'annulation de l'inscription;

«b) régir le comportement des lobbistes inscrits;

«c) prescrire toute question mentionnée dans la présente loi comme étant prescrite par les règlements.»

Mr. Breaugh: I do not mean to preclude that he might have the power to make other regulations as well.

If I could, I would like to read into the record a proposal from a private lobbyist group who came to see me a little while ago. I believe the name of the firm is Public Affairs Management. It does appear that the lobby industry is in place in Canada, is getting its act together, is getting organized. They in fact were making the argument that, as professionals working in the field, they thought it was appropriate that there be registration of the lobby industry, that there be some initial moves to try to identify which groups would be formally considered a lobbyist group and how they would set up their professional ethics, for example.

They were making the basic arguments that there are some distinctions to be made about the type of firms that do this type of work and that it was not terribly difficult to sort out those who were professionals acting on behalf of clients; those who were, for example, acting on an ongoing basis, like a trade organization, who would perhaps have people working full-time monitoring what a government does and how it sets regulations and informing the

membership and all that; and also those people who had an interest in something but were not professional lobbyists and would not need to be registered under this. They were making what I thought was a rather worthwhile argument simply to begin the process by establishing--

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Hon. Mr. Scott: A lobbyist's lobbyist.

Mr. Breaugh: Yes, a lobbyist's lobbyist.

By establishing that there be some provision for them under this act or some other act, that you begin by setting regulations and, basically, you acknowledge the fact that there are at work in Ontario a great many people who would be categorized as professional lobbyists.

Nobody was attaching any fault or putting any value judgements on it, but it is just a fact of life that they are here, they are active, they are at work; and this particular group was anxious that their work be recognized, be regulated in some sense, that some sense of professional standards be there.

For example, they had concerns about the way the fees were charged, and there was some consideration--I understand that at the federal level there was a bit of an argument between lobbying firms who charge on a different basis, some advocating that you should never charge on a percentage fee basis, that you should charge a flat rate for your services and that basically the size of the government contract should not really enter into the picture. These people had a very interesting point of view on that, and one with which I concur.

At any rate, I think that some amendment of this kind is absolutely essential to this bill. Much of what the bill has talked about is, in effect, lobbying: who is allowed to do lobbying in a political sense as a member; who is allowed to lobby in the sense of former members; what is the relationship between those in government who make these decisions and those who seek to influence all of these decisions as they are made.

So I think you cannot do a conflict of interest bill without having as an integral part of it an identification system for lobbyists, however crude that might be; some recognition that they exist, some formal list. I would make the argument that you cannot possibly sort out conflict of interest so long as the people who are influencing decisions are not known entities. In other words, I do not think we can go much longer with the allegations that the people who influence this government are all wearing red ties and blue suits and hang around certain clubs and restaurants in the city of Toronto. That may be true, and I do not ever purport to be able to stop that, but that is not what I am after here.

What I am after is a list of who are lobbyists, some regulatory attempts at sorting out what is proper behaviour and what is improper. I think you must begin that process in this bill or the bill is frankly destined for failure. If you decide that we will do this another day, another way--I saw the minister nodding his head, so he may be attempting to do that--that really does not hold much argument with me. You may do that six months from now. You may do that a year from now. You may do that two years from now. You may do that in the fullness of time, and meanwhile this bill supposedly dealing with conflict of interest is law.

I do not think you can do it in isolation. I would grant you that you will probably want several attempts at registering and regulating the lobby industry before anybody is satisfied with it. Certainly in other jurisdictions where I have had a chance to talk to people, they admit readily that this is a tough one; that it is not very easy, although it sounds easy, to set up a registry; that the industry itself has to police itself; that even in the American Congress, where for a long, long time now the entity known as a lobby has been recognized and the people who work as lobbyists have been recognized, they continue to have problems with it.

It is a vexing issue; I grant you that. But I think you have to make a start and I am not satisfied with the notion that the start will happen at the pleasure of the government. It seems to me you will cause to happen, by the nature of the passage of this bill, a need to have a list of who are the lobbyists and a need to begin the process of setting the regulations under which they work. This bill does not have a hope of being successful unless you do this or some version of this.

Mr. Faubert: Perhaps we need some guidance on this. I can accept the argument that lobbyists are active in this country because I have also been involved at the federal level and I know the extent to which the so-called communications companies or public relations companies are lobbyists as such. To make it a part of this bill, the logic escapes me.

I can accept Mr. Breaugh's proposal that somewhere down the line such legislation may be necessary and to bring in regulation and registration of lobbyists is a desirable thing. Can a committee take a subject such as that and refer it to a minister or ministry or the Attorney General and ask that it be considered as such, or do we just defeat this and let it go off into the void somewhere? Is there any way we can take--

Hon. Mr. Scott: We had a full discussion about this the other day. I indicated that we are looking at the question of how to meet the kinds of general requirements Mr. Breaugh has and also to deal with the issue of public servants whose rights are not covered by this bill either. That is simply the point I would make. This bill deals with members. It does not deal with anybody else. There are other groups we have to deal with outside the chamber, such as public servants, lobbyists and others. That matter should be attended to separately.

The Acting Chairman: Does anybody else wish to speak on this issue? Mr. Breaugh, there being no further speakers, do you have any further closing comments before we move on?

Mr. Breaugh: I accept the argument that the broader question, one that is beginning to bother me a lot these days, is that the people I saw working for the ministries last year are now out in the private sector implementing all those wonderful ideas, recommendations, regulations and policies they drew up last year. I see that as a fairly substantial conflict.

The broader question is one which, I am happy to say, we will review again. I still argue as forcefully as I can that consistently throughout the bill you have identified lobbying, consistently throughout the bill you have said who can and who cannot lobby and consistently throughout the bill you have identified the process and the players, but you refuse to keep the list.

There is no way that in a meaningful sense we can identify the conflict unless we have the list. The list does not tell us a lot. Initially, all it

says is here is a person who is registered in Ontario as a lobbyist. I do not see this as a great strain because we licence and register the guy who is selling peanuts on the street. We license everybody who does everything. This is not an onerous thing.

Hon. Mr. Scott: It is socialist heaven.

Mr. Breaugh: It certainly is. It used to be until this new bunch came in.

I do not think I am asking for something outrageous here. In fact, I am giving you as much latitude as I can by saying that initially you do that by means of regulation. All I am looking for is the old moral victory that we will acknowledge in this bill that we have to begin this process now and that this bill does not work unless you begin the process of identifying the lobbyists and the setting of regulations under which they will work.

I am content, therefore, to let you come back in the fulness of time with your great bill.

Hon. Mr. Scott: I understand your point and I know the dependence of your party on moral victories historically.

Mr. Breaugh: Go ahead. Rub it in.

Hon. Mr. Scott: The events of September were, as I think you yourself said, a moral victory for the party.

Mr. Breaugh: I was wrong.

Hon. Mr. Scott: Were you not right? I recognize how dependent you are on counting moral and pyric victories day after day and I would like to help with that important psychological exercise.

Mr. Breaugh: God, you should have been a Jesuit.

Hon. Mr. Scott: I just think I will have to buy you lunch, dinner or something else instead. We are working on this, but this bill deals with members. Its urgency is dictated by the inability of the assembly to respond to these questions effectively, in my opinion, in the last two sessions. We will come to the questions to which you have addressed us as quickly as we can.

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The Acting Chairman: Mr. Breaugh, are you prepared to take the vote now or would you like to have that stood down?

Mr. Breaugh: Somewhere I would like a recorded vote and so it would assist me and you, too, if we stand down section 18.

Section 18 stood down.

L'article 18 est reporté.

Section/article 17:

The Acting Chairman: Are we prepared at this time to pass subsections 17(1) and 17(3) and then we will go to new amendments? We will stand down your amendments to those sections.

Mr. Breaugh: Actually, what I was going to suggest--I think the Attorney General is being summoned--was that we appear to be at a point where it would make some sense to me that if you want to break this afternoon and come back on Monday, we will do that, or in the alternative, you can sit around for 20 minutes or so while I find my other member and then we will go back over it. There are about three sections, by my count, where you are going to have a substantive argument. What is your pleasure?

The Acting Chairman: Can I suggest we finish off the parts of the bill that are not contentious.

Mr. Breaugh: We can deal with sections 19 and 20 without much problem.

The Acting Chairman: All right, 19 and 20. There are also subsections 17(1) and 17(3) that I have not heard any debate on. Perhaps we can get rid of those. If I could call the votes on those and then those for sections that are stood down, we will postpone the debate, at the committee's wish, to either later this afternoon--

Mr. Sterling: Mr. Breaugh gave you section 20. I want to indicate that we can think of a lot better short title for this act than this one.

The Acting Chairman: Can we take a vote now on subsection 17(1)?

Hon. Mr. Scott: Subject to Mr. Breaugh's motion?

The Acting Chairman: Mr. Breaugh's motion is in addition. He is adding a section.

Mr. Breaugh: Kindly proceed with the remainder.

The Acting Chairman: All those in favour of subsection 17(1)? All those against? Carried.

All those in favour of subsection 17(3)? All those against? Carried.

Section 19 agreed to.

L'article 19 est adopté.

Section/article 20:

Mr. Breaugh: I see a draft motion.

The Acting Chairman: I have been advised by the clerk that perhaps we should wait for section 20 until all the other matters have been dealt with. That completes sections 17 and 19. We are standing down section 18 and we are standing down Mr. Breaugh's amendment to section 17.

Mr. Breaugh: If my little records here are correct, we have section 1, section 5, a vote on section 17--

The Acting Chairman: We have section 12 left.

Mr. Breaugh: --and sections 12 and 18. It would be seem to me to be an appropriate time, if we are going to interrupt the proceedings this afternoon, to adjourn and come back. The only problem I have is that I have a

member doing double duty. I do not particularly want to pull him out of another committee to come here for a vote if we could agree to do those votes on Monday. In other words, if I could have him appear at the beginning of the session on Monday and do the votes--

Hon. Mr. Scott: Let me tell you how I understand where we are. We are going to have the votes on sections 12, 17 and 18. We have a motion to amend the long title to turn it into a short title directly responsive to your speech, Mr. Breaugh, for which I will anticipate your support. We also have section 1. Section 1 has a couple of amendments, with one of ours to make it conform with the Family Law Act. Mr. Polsinelli has a motion with respect to "private interest" to add clause (d), which essentially excludes all trivialities. Then we have section 5, in which I proposed a compromise joinder of the New Democratic Party and Conservative proposals, which I presume, having heard the committee, we either accept or reject.

Mr. Breaugh: I think we are at the point where we are going to have a fairly substantive argument on some section 1 concerns which we have set aside. We will have shorter arguments on the remainder of the sections that have been stood down and then the formal votes, so I think we are in reasonable shape to finish the bill on Monday. If that is an agreeable way to proceed, I have your motion on referring that other matter to the Board of Internal Economy.

The Acting Chairman: Then we will adjourn the debate on Bill 1 until Monday. Is that the committee's wish? Agreed.

Mr. Breaugh moves that the committee request that the Board of Internal Economy determine if the board has legislative authority to establish guidelines for a member or a member's spouse or a minor child to obtain legal or accounting advice on any matter respecting such a person's obligations under Bill 1 and to authorize the Speaker to disperse funds out of the Legislative Assembly fund for such purposes, and that the board advise the committee of its opinion no later than Monday, February 8, 1988.

Mr. Breaugh: I see one little problem coming up here. I do not know whether it can be done by then, but I think the general idea was that we would hear from the board before we proceeded with the legislation.

Mrs. Sullivan: The board is scheduled to meet, as I recall, on February 1 with a fairly long agenda. It seems to me that consideration of this matter would require some staff assistance. I do not believe the board could in fact do what we are asking it to do by that deadline. I would say to use a word like "forthwith" or something like that, one of those weasel words. I think it would be impossible for the board to do that.

The other thing is that I am just not certain that legal and accounting advice goes far enough. There may well be other kinds of expenses. Secretarial assistance, by example, might also be something that could be included in that. The principle I think is an important one.

Mr. Breaugh: If we are generally in agreement, we are going to put some more words in here.

Mrs. Sullivan: Yes.

Mr. Sterling: Could I just take up something that is a very small matter? It has come to my attention during this particular committee that each

time an amendment is given to me by the clerk, he gives me both the English and the French copy. While I might appreciate that if I could speak French--I do not mind it, except that all it is doing is requiring more photocopying to take place. A general principle I would like followed is that if any member requires amendments in both languages or one language specifically, he make that request at the beginning so that we do not duplicate, that we just do not have people running paper up and paper up.

The Acting Chairman: Mr. Sterling, that is a good suggestion but I will leave the clerk to comment on it. There may be some legislative requirements to the members of the committee having the French version in front of them while they are passing a section. I will see whether the clerk has any comments on it.

Mr. Sterling: It is just a matter that when you get so many things before you it is hard to keep track of the amendments.

Clerk of the Committee: It is whatever the committee wishes, but there is always a problem if there is a question concerning the text of the French amendment, that you may want that right in front of you.

Mr. Sterling: I think it should always be available. All I am saying is the quantities it is available in; it is adding more confusion than--

Clerk of the Committee: If the members wish to indicate at some point which language they wish it in, we will have both on hand.

Mr. Sterling: I think that is the best idea. Have both on hand, but just have a little one--

Clerk of the Committee: The amendments to a bilingual bill would have to be adopted in English and in French.

Mr. Sterling: Yes.

Mrs. Sullivan: I know, because I have the gigantic pile of paper in front of me too, how difficult it is shuffling through, but from time to time, for instance the word for "business," there may be four or five words that could be used and in fact we should be looking at the words in French and in English because when we pass the amendment, we are passing the words both in French and in English. I think it is important that we have them before us.

Mr. Sterling: I would heartily disagree because I do not understand French. Therefore, it makes no sense to deliver me a copy. All I am saying is that my life would be made easier if you did not deliver me a copy. That is what I would request.

The Acting Chairman: Could we have some comments from legislative counsel?

Ms. Schuh: If I could just comment, we have to bear in mind that whatever the committee chooses to do, you are dealing with a bilingual bill here whose versions are of equal weight in law. That is why motions have to be tabled with the clerk in both versions. I suspect that is why he circulates them in both versions. It certainly does contribute to the flood of paper for members who do not consult the French version. Some of you may eventually consult the French version. This is going to be happening with all bills in a very few years. I would be sorry to see anything happen that took away from

the principle that both versions are of equal weight, but of course we should not be wasting paper or members' time.

Mr. Breaugh: I am fluent in both languages so it does not matter to me, but I think there is a practical problem emerging here. For example, on this bill, many of the Conservative motions were kind of three variations of the exact same thing with an additional word having to do with cabinet minister, member and senior public servant. Of the nine pieces of paper that I had, the vast majority of them were useless. That would not be a problem if I did not have 29 other amendments with similar volumes of paper.

The problem is that just trying to keep the paper straight is difficult. I think we are getting to the point where I agree totally that by the time an amendment becomes formal, it should be available in both languages. At that moment, you need the exact proper wording in two official languages. Up until that point, all you have succeeded in doing so far is generating a whole lot of paper which is not used.

I think you are quite right that in the near future, this assembly is going to be doing all of its bills in both languages. I think we are simply going to have to find a method whereby we can sort out the paper flow a little better than what we have now because I would remind you, although the principle is admirable for practical purposes, what happens is that the clerk of the committee walks about the room with his hand overflowing with sheets of paper. What you get on this desk is this pile, not an orderly group of amendments to a bill. A pile of waste paper is the end product. It is environmentally unsound. Unless you want to put blue recycling boxes at every member's desk, you are going to have to find a way to handle this.

The Acting Chairman: Mr. Breaugh, our clerk, who is the one on this committee who is paid to think, has suggested that perhaps in the future we can have the French version on one side of the sheet and the English version on the other side of the sheet.

Mr. Breaugh: That solves half the problem.

The Acting Chairman: Let us return to our initial discussion. You have the motion before the committee. Mrs. Sullivan had raised some concerns with regard to that. Do you have an amendment to it?

Mr. Breaugh: We would amend it and the clerk has a version of that same motion now which adds "secretarial services" and indicates in terms of timing "as soon as possible."

The Acting Chairman: Would the committee like to hear the full motion?

Mr. Breaugh moves that the committee request that the Board of Internal Economy determine if the board has legislative authority to establish guidelines for a member or a member's spouse or a minor child to obtain legal or accounting advice or secretarial assistance on any matter respecting such a person's obligations under Bill 1 and to authorize the Speaker to disperse funds out of the Legislative Assembly fund for such purposes, and that the board advise the committee of its opinion as soon as possible.

Motion agreed to.

The committee adjourned at 3:33 p.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

MEMBERS' CONFLICT OF INTEREST ACT

MONDAY, JANUARY 25, 1988



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)

Breaugh, Michael J. (Oshawa NDP)

Cordiano, Joseph (Lawrence L)

Faubert, Frank (Scarborough-Ellesmere L)

Johnson, Jack (Wellington PC)

McClelland, Carman (Brampton North L)

Polsinelli, Claudio (Yorkview L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

Swart, Mel (Welland-Thorold NDP)

Substitutions:

LeBourdais, Linda (Etobicoke West L) for Mr. Morin

Philip, Ed (Etobicoke-Rexdale NDP) for Mr. Swart

Clerk: Forsyth, Smirle

Staff:

Schuh, Cornelia, Deputy Senior Legislative Counsel

Klein, Susan, Legislative Counsel

Witnesses:

From the Ministry of the Attorney General:

Offer, Steven, Parliamentary Assistant to the Attorney General (Mississauga North L)

Moffet, John, Legislative Assistant to the Attorney General

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Monday, January 25, 1988

The committee met at 10:12 a.m. in room 228.

MEMBERS' CONFLICT OF INTEREST ACT
(continued)

LOI SUR LES CONFLITS D'INTERETS DES MEMBRES DE L'ASSEMBLEE
(suite)

Consideration of Bill 1, An Act to provide for greater Certainty in the Reconciliation of the Personal Interests of Members of the Assembly and the Executive Council with their Duties of Office.

Etude du projet de loi 1, Loi assurant une plus grande certitude quant au rapprochement des intérêts personnels des membres de l'Assemblée et du Conseil des ministres avec les devoirs de leurs fonctions.

Mr. Chairman: I call this meeting of the standing committee on the legislative assembly to order, dealing with Bill 1. We have with us this morning the parliamentary assistant to the Attorney General.

Mr. Offer: Perhaps I might inform the members that the Attorney General has had a death in the family. His mother passed away over the weekend and he will be unavailable for committee this week. We are ready to proceed with the bill. We know there are some sections which still require certain discussion. We have staff here. Where necessary, we have tabled our amendments to the sections. We just want to indicate that we are prepared to proceed, subject to the chairman's and the members' discretion.

Mr. Chairman: It is certainly my hope and expectation that we can continue today since I think members originally wanted to complete today. I regret the unfortunate circumstances surrounding the Attorney General's absence. Nevertheless, with your knowledge of the bill and your commitment to try to get the bill through, I think that with the members' permission we can proceed and finish the bill today. As you know, if there is further discussion, you always have a chance during third reading in the House to make some points or get some clarification or whatever from the Attorney General that you might want to get.

Mr. Breaugh: I certainly want to join in the comments and offer my regrets to the Attorney General over the death of his mother. I am in agreement that we had thought we would be able to finish this bill today and I have some hopes we can still do that. The only concern I have is that most of what is left is that we stood down several sections of the bill because I wanted to have a vote and we did not want to interrupt the proceedings repeatedly. That will not be a problem but we do have two sections that are rather controversial. Perhaps I can get some indication whether, for example, it is the government's intention to move its amendment on section 5? It has prepared a new portion to that.

Mr. Offer: It is our intention that we will be moving an amendment to section 5, a new subsection 5(4).

Mr. Breaugh: That is the one we have a copy of?

Mr. Offer: Yes.

Mr. Breaugh: The one other question that would assist me a little bit, is there any intention on the part of the government to make any changes in section 1? This is the one where the basic argument will be around private interest. Is there any alteration in that?

Mr. Offer: It is our intention to introduce amendments under section 1 dealing with "spouse" and "child."

Mr. Breaugh: If we could see those amendments, that might facilitate matters this morning. I do not believe I have the amendment.

Mr. Offer: OK.

Mr. Breaugh: I have the one amendment that the government is proposing on section 5. I do not believe I have seen any on section 1.

Mr. Offer: It is my understanding that they were attached to the discussion paper and have been handed out, but we can certainly--

Mr. Breaugh: Just to alleviate any problem here, there were several draft proposals that were put into a discussion paper form. The reason I hesitate is that when those draft proposals come out of the discussion paper, there are often some wording changes, and I would just like to see the specific amendment that you propose and have a little time to ruminate.

Mr. Offer: We will certainly give you a copy, but the definitions of "spouse" and "child," as they were attached to our discussion paper, have not been changed in any way.

Mr. Breaugh: That being said, I see no reason that we cannot proceed.

Mr. J. M. Johnson: Could we have the latest copies of all government amendments in front of us?

Mr. Chairman: You probably have them now. Very quickly, correct me if I am wrong--and this comes from the clerk--as I understand it, the following sections need to be completed: section 1, section 5, section 12, section 17a, section 18 and section 20.

Mr. Breaugh: I believe there is also a government amendment on section 20 to rename the bill.

Mr. Chairman: It is a long title. It is another section.

Mr. Breaugh: This is where I am having a problem. The government has kind of kited a few items under the guise of a discussion paper. They sometimes fall off the tree in the form of a government motion and they sometimes stay up there in the form of a rainbow. It would sure be helpful if we had some faint clue as to what they were going to do with it.

It was my understanding that you were going change the title of the bill. We did not proceed with that because normally that is the last section that carries. It sure seemed to me that the Attorney General was going to do that.

Mr. Chairman: Yes. Shall we proceed with section 5? Then we will come back to section 1 at the end.

Mr. Breaugh: If I could offer a comment, I would prefer, frankly, since we know what is going to happen and we just say, "I want to have a recorded vote," if we could proceed with section 1 and then go through the rest. There will be some discussion on section 1, section 5 and section 20, but I think we are ready for the vote on the other three sections.

Mr. Chairman: OK. Do you want to proceed on that basis?

Mr. Breaugh: Now it would be helpful to see the amendments that the government has on the sections.

Mr. Chairman: They are just being photocopied, so we are going to have those momentarily.

Mr. Offer: The government amendments on section 1 are found on pages 2 and 3 of our discussion paper.

Mr. Breaugh: Perhaps someone would be so kind as to actually read them into the record. That might help.

1020

Section/article 1:

Mr. Chairman: Mr. Faubert moves that the definition of "spouse" in section 1 of the bill be struck out and the following substituted therefor:

"Spouse" means a person who is the member's spouse within the meaning of part III of the Family Law Act, 1986, but does not include a person to whom the member is married if they have made a separation agreement or if their support obligations and family property have been dealt with by a court order.

M. Faubert propose que la définition du terme «conjoint», qui figure à l'article 1 du projet de loi, soit remplacée par ce qui suit:

«"conjoint" Conjoint du membre au sens de la partie III de la Loi de 1986 sur le droit de la famille, à l'exclusion toutefois de la personne avec qui le membre est marié s'ils ont conclu un accord de séparation ou si leurs obligations alimentaires et leurs biens familiaux ont fait l'objet d'une ordonnance.»

Mr. Breaugh: What the government is proposing here is to try to get a common definition of the word "spouse," using the one that is now in the Family Law Reform Act.

Mr. Offer: That is correct. We think it is appropriate, as the disclosure requirement with respect to spouses should be based on a shared economic interest as well as social relationships, that the most appropriate definition for the disclosure aspect of the bill be founded as the same as that under the Family Law Act.

Mr. Breaugh: As far as it goes, I would certainly have no objection to that. It does leave silent the interesting question of other relationships. Is there any attempt on the part of the government to cover those?

Mr. Offer: With respect to the definition of "spouse," it does apply only in so far as the disclosure aspect is concerned. It is important to understand that, with respect to other relationships, they would or possibly could fall within the private interest definition and, as such, a member who acted in such a way as to further his or her private interest could fall under the act in contravention of sections 2, 3 or 4, notwithstanding the fact that it was not a spouse as defined under the legislation.

Mr. Breaugh: These days, what used to be considered a very simple problem can become a very complicated one. I believe it is the intent of the government not to provide a loophole here whereby someone other than a spouse, as defined by the Family Law Act 1986, might benefit. That being its clear intention, I would accept that the definition included in the Family Law Act is probably as good as we are going to get.

I want to put on the record that I have some concerns that there certainly are a lot of relationships out there which would not fall under that definition. I know your intention and I accept what you are trying to do as being a reasonable way to proceed, but I wanted to put on the record that I have some concerns that that may not succeed at doing exactly what you want. It may be as good as you can get for these days.

Mr. Chairman: It is such an important area that, if you are going to change it, you should change a number of things, including the Family Law Act, and so forth. If you are going to start making changes, I think it is important from the legislative standpoint to have some kind of consistency.

All those in favour of Mr. Faubert's amendment to the definition of "spouse"? All those opposed? Carried.

Motion agreed to.

La motion est adoptée.

Are there any further government amendments?

Mr. Faubert moves that section 1 of the bill be amended by adding thereto the following definition:

"child" includes a person whom a member has demonstrated a settled intention to treat as a child of his or her family, except under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful custody.

M. Faubert propose que l'article 1 du projet de loi soit modifié par adjonction de la définition suivante:

«"enfant" S'entend en outre de la personne dont le membre a manifesté l'intention bien arrêtée de la traiter comme s'il s'agissait d'un enfant de sa famille, sauf si cette personne est placée, contre valeur, dans un foyer d'accueil par celui qui en a la garde légitime.»

Mr. Offer: The reason for the amendment is because there is the possibility whereby a member's spouse's children are not the children of the member, but rather are the children of the spouse from a previous marriage. This, again, directs itself towards the disclosure requirement. It is not the intent of the legislation that children who are not the children of the member

would have to disclose. As such, we feel that clarification through this definition is required. Accordingly, that is why this definition has been moved.

It is of importance to note that if the member has treated the children as his or her own, then there would be the necessity to disclose, but in the absence of that and keeping in mind that the children may be the children of the spouse, of a former marriage, there would be no necessity for disclosure in that situation.

Mr. Breaugh: I appreciate what you are trying to do here. I have a bit of a problem with it. This is going to make the reading of this section just a trifle awkward. As it is now proposed, we would have a definition of the word "spouse" and a definition of the word "child." There may be some problem with that definition of the word "child." Are you convinced that that is as good a definition as you are going to get?

Mr. Offer: That is a definition taken from the Family Law Act. It is in keeping and consistent with where the definition of "spouse" is founded, as is where the definition of child is founded.

Mr. Breaugh: I accept, for purposes of being consistent, that these kinds of definitions should go in, but I do want to point out that I think you are going to have some problems with this. Mr. Philip has pointed out that there may be some cultural differences which do not lend themselves to this kind of definition. I accept your argument on the basis that we should have one act and one common set of definitions and the courts will further define precisely what is meant by that, but I do think you may run into some difficulty with it. We would accept it on the basis of consistency, but that does not mean it is perfection.

Mr. Philip: There are cultural differences. In some cultures, it would be an automatic responsibility of the uncle to take over a child in the instance where the male or supporter of the family deceased prematurely, before the child turned 16 or 18. Would that child, therefore, be covered under the definition of "child," or would that be considered under the definition of a foster child?

Mr. Offer: Again, with respect to the fact situation, it may very well be that the child would be covered under the phrase "settled intent to treat as a child." As such, there would be the necessity for disclosure in that circumstance.

Mr. McClelland: Mr. Offer, it might be obvious, and I think it probably goes without saying, but the courts have treated this particular definition with fairly broad application. Essentially, the policy behind the broad application is to ensure the children are cared for and provided for financially with respect to support and related issues. In the body of law that has grown around the definition, I think it is probably much broader than people might think at first blush, on first reading. I have quite a bit of confidence that your definition, as introduced, would cover virtually most, if not all, circumstances for potential conflict that may arise.

Mr. Chairman: Does anyone else want to comment on this proposed amendment before the vote is taken? If not, we have a government amendment before us regarding "child" put forward by Mr. Faubert.

All those in favour? Opposed?.

Motion agreed to.

La motion est adoptée.

1030

Mr. Chairman: Are there any further government amendments on section 1? Any other amendments?

Mr. Breaugh: I have no amendments on it but I want to put on the record my concerns about the way "private interest" has been defined here. In a strange way, we have gone through the entire bill and set aside this section and it is really pretty basic to the concept of the bill itself.

I am unhappy with the government's approach. There is very little that one could do in the way of amending it precisely because of the nature in which the government has framed this first section of the bill. Essentially, the government has taken the point of view that there are, it points out, three exceptions to what you mean by "private interest," and aside from those three exceptions everything else is in the public interest. That draws, in one sense of the word, the broadest possible definition of "private interest."

My difficulty is that I do not believe it accomplishes its purpose. In doing so, it makes it so generalized a definition as to be virtually meaningless, in my opinion. I would have preferred to try to be more specific on what you mean by "private interest." I want to give a bit of an argument because I think it is important as we go through this exercise.

I have no interest, none, in pursuing the trivial. It seems to me that the broader definition here encourages you to do so. I have no interest in the kind of exercise we have gone through whereby someone attempts to determine whether a trip somewhere was a great conflict of interest. That is not my concern at all. I have no interest in whether somebody gets a gift, provided it is a one-time gift. I have no interest in identifying something that under this bill may well constitute a private interest but is of no real consequence to me or, I think, to anybody else.

Part of the problem here is that we are trying to legislate conduct and that is also a very difficult thing to do. In doing that, and in taking a very broad approach to it, I think you trivialize the thing. In my own mind, I believe I know what a conflict of interest is and I do not believe it constitutes something of a very broad, general nature. I think it is very specific. I think it is this specific: I believe that a conflict occurs when someone utilizes his public position for his private gain and does so on a consistent basis in a substantial way. I want to sort out all the little grey areas that I think in the end we would all agree are meaningless.

What I am concerned with is that this bill, when you get it put together--that is the problem; in going through it clause by clause as we have to do, you sometimes forget what it all means when you put it all together as a package--fails one of my personal criteria for the thing. It is something that Parker, I think, in his report said several times. The conflict of interest has to be very clear for people. It does not necessarily mean it is simple and it does not necessarily mean it takes few words to do so, but at the end of the process we must understand what is a conflict of interest and what is a member's private interest.

One could argue, for example, under this bill, that someone who just in

a very general way does well has a conflict of interest because he is in the cabinet. Then the procedures as outlined in this bill mean that allegations could be made and investigations take place, that the commissioner report and a committee of the Legislature take it up, and in the end it may be over not very much.

I would have encouraged the government, and did on several occasions, to try to be as clear as it can in definitions of this kind because they are critical to whether this bill works or does not work. As to whether the perception exists, again, Parker on a number of occasions in his report on the Sinclair Stevens inquiry went through the different kinds of things that have to be dealt with, one of which he acknowledges is the perception in the public eye that there is a conflict even though there may not be a lot of money on the table and there might not be real financial gain. For example, some may use insider information to kind of lose money--that is quite possible--but the public perception would be that they misused their office.

We are beginning to see kind of the sum total of this act now and what I am left with is two bills of a very broad, general nature: the Legislative Assembly Act and this bill. My difficulty is that neither of them is very clear. In neither bill can we find an occasion when it says in very clear language what you mean by "private interest." This bill and this definition certainly do not do very much for me either.

I believe this is going to be a headache for you, and worse than that, because the bill is not, in my view anyway, designed essentially for the convenience of the cabinet or the members. It is designed so that the public has some small measure of protection against people who would misuse their public office.

So I am afraid we are going to have to not support the section as it is now put together. I have no trouble with your definitions; somebody else will have that difficulty. My problem is with the main thrust of the section itself where it attempts to put together what I believe is a very fuzzy definition of "private interest."

I know we have had some general discussions and we have even had some amendments that tried to kind of get at how we could do this in clearer terms. The government, to be fair, has certainly been very consistent in rejecting that. But I am not sure you are doing yourselves any favours and I am not sure you are doing any great service to the people of Ontario by leaving a very broad, fuzzy definition of "private interest."

I believe that is where you are going to have your first problem. In the first instance, I think the public is going to look, if it ever chooses to, at a bill like this and say: "This covers everything and nothing. It does not tell me when there is a member doing something for his or her private interest. It leaves it very broad and very general." It may be somewhat cynical, but I think it is accurate, to say that the public senses that when laws do that, they are laws that are really not meant to be implemented. They are laws that are there for show and not for use. The reason for the broad-brush approach is to hide things rather than to bring them out into the open.

So my preference would have been for a definition in this first section of the act that would have clearly stated what we thought was a specific private interest, and to try to do it that way.

Mr. Cordiano: To be fair, we tried to grapple with this question about what it is. I can recall, in the last week and a half, having very lengthy discussions about what a private interest is. I think we spent several hours discussing that, if I am not mistaken. The real problem with trying to define it is that it is virtually impossible to do that.

I am sorry for the interjection.

Mr. Breaugh: If I could just respond briefly, we have had a broad, general discussion about it. The difficulty is on two points. First of all, the government has, to date, rejected all attempts to clarify this, either from me or from Mr. Sterling, Mr. Johnson or Mr. Philip. So it is pretty clear that they are not prepared to accept it. They have chosen the way they want to proceed.

That causes two problems. It really causes the second one. Most times, a bill of this kind does not appear in front of us. Most of the time, a government chooses to do things the way it wants to do them and that is fine. That is the way parliaments work. That is the way governments work.

The problem that you have with this one is that this is a bill where, if you do not get consensus from all parties in the Legislature and if you do not at least acknowledge that the public has a role in this as well, you fail before you even start.

Although the Attorney General arrived here and said he wanted to move by consensus--he seemed to have kind of recognized that--in fact, on critical points, he rejected this. He did accept some amendments on minor points in other areas of the bill, but it was fairly clear that he had made his choices early and that the government was prepared to live with them.

This is kind of an occasion when the government cannot win by going through the normal process. I recognize now that no amendment that I could put forward is going to carry. We have had enough discussion for people to say that with some certainty.

Mr. Chairman: May I just interrupt for a moment? Mr. Polsinelli has an amendment here regarding private interest. Before you go any further, you may want to hear the amendment. You have it before you now. It has just been placed before you. You may want to hear the amendment first and then base your debate on the section or on the amendment that Mr. Polsinelli wants to read in.

1040

Mr. Breaugh: I just had an opportunity to look through it, and I would just comment that it does do something to alleviate some minor concerns, and perhaps it would have changed my process slightly had I been privy to it prior to it being tabled, but it does not change the fundamental argument.

This government wants to proceed now with its own definition of "private interest," and that is fine; that will satisfy you.

I am trying to give you the message that you cannot win that game. On this type of legislation, you really have to acknowledge that this has to be a bill which is supported, perhaps not totally but almost totally, by all members of the assembly.

If it is not, it will not work. That is what I am trying to tell you.

You cannot drop an amendment on the table at the last minute and say, "Well, there, that will make it work." That will not do it either.

Mr. Polsinelli: I apologize. I thought it had been circulated.

Mr. Breaugh: It is OK, do not worry about it.

Mr. Polsinelli: It is not a government amendment.

Mr. Chairman: Let us hear from Mr. Polsinelli and have the amendment on the table.

Mr. Polsinelli moves that the definition of "private interest" in section 1 of the bill be amended by adding thereto the following clause:

"(d) that is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence a member."

M. Polsinelli propose que la définition du terme «intérêt personnel» qui figure à l'article 1 du projet de loi soit modifiée par adjonction de l'alinéa suivant:

«d) est si éloigné ou de si peu d'importance qu'il ne peut raisonnablement être considéré comme susceptible d'influencer un membre.»

Mr. Polsinelli: This amendment is taken directly from the Municipal Conflict of Interest Act and is supposed to aid the commissioner in a certain sense, I guess, in determining what a private interest is by allowing him to remove from the definition of "private interest" those items which effectively, as the amendment says, are insignificant or so remote that, in his opinion, they will not influence the decision of the member.

I do not think this amendment will go all the way towards alleviating all of Mr. Breaugh's concerns. I agree with most of what he said. He said the definition was a very broad definition, and I think because of the very nature of this business, because of the nature of what a private interest can or cannot be, the government has made a decision to leave a lot of discretion in that regard in the hands of the commissioner.

I just hope that in exercising his discretion, he--maybe I should just leave it at that.

Mr. Sterling: We will support Mr. Polsinelli's amendment to section 1 because I think it makes a bad section a little bit better, but the whole crux of the meaning of this act falls within this discussion we are having now in terms of private interest and section 2, what is conflict of interest and what is not.

I think the problem relates to the fact that this act has confused the principal issue which was placed before the Legislature and tried to lump two situations into one situation. It is significantly different from a municipal council, where you have all members of that particular political body operating on the same level.

The problem I find is that I accept Mr. Breaugh's argument with regard to the fact that "private interest" is defined too widely for the ordinary member. On the other hand, I do not find the act adequate in defining widely enough a private interest or a conflict of interest for a cabinet minister.

I think a private member, in terms of anything he has to do with regard to power in this place, operates in the open and therefore is going to be subject to much more attack than a cabinet minister, who operates generally behind closed doors when making decisions that have any effect with regard to power. Therefore, a member of the public looking in at us in our various roles will know what Mr. Philip has said in the Legislature, he will know what I have said in the Legislature, but he will not know what a particular cabinet minister has said behind closed doors when he is making decisions.

Therefore, I accept what Mr. Breaugh says in terms of the general public having a very specific definition of what private interest is with regard to what somebody says out in public. When it gets behind closed doors, where suspicions are raised as to what has been said or who has participated, who has really carried the decision, I think the definitions of "private interest" and "conflict of interest" have to be much wider.

We do not accept that in this act the definition of "conflict of interest" is wide enough. In particular, with the one case which the commissioner heard with regard to the Attorney General, we think this act is a copout for that kind of situation to arise in the future. In the future, when a conflict charge or an opinion is asked of the commissioner with regard to a cabinet minister, we do not think we are ever going to get a commissioner to say there was a conflict of interest unless it is very narrowly defined.

Not only does the commissioner not have the right to include in the conflict of interest a wide enough definition of "conflict of interest," he also does not have access to what happened during the meeting; he does not have access to a Hansard on the participation of that member of cabinet in what happened in that cabinet meeting or cabinet committee meeting.

Therefore, we find section 1 and section 2 totally inadequate to deal with what in fact this act was set down for. Therefore, while we will support Mr. Polsinelli's amendment to this and know the numbers are there, we will not support section 1 in terms of this act. Probably, if the act stays the same, we will have difficulty supporting the act on third reading in the Legislature.

I will have to consult with my colleagues when they see the total act in place before we would make that final commitment.

Mr. Offer: The definition of "private interest" is drawn in general terms. It is also drawn with a view to the role of the commissioner. The commissioner is the keystone, the cornerstone, of this legislation. It is he who will be there as an adviser. It is he who can proceed with a matter referred to him. It is he who will determine for a particular member whether it does involve or does fall within the definition of "private interest."

We think this particular definition is sufficiently wide enough to capture all of the possible fact situations that may arise. First, we think there is a certainty given to each member about what is or is not a private interest. Second, under this legislation that member has the right to go to the commissioner for a ruling in order to further clarify what is or is not a private interest.

Mr. Breaugh in his comments used the phrase, "where a person uses his public office for private gain in a substantial way." That provides an awful lot of subjective phrases. What is gain? What is substantial? What is private gain? What is the word "uses," in reference to public office? I note your concern, but it might very well be that that in itself would result in

confusion for the members if they deemed "private interest" to fall within that sort of framework exclusively.

We think the commissioner does have the discretion in determining what is a private interest. I note Mr. Polsinelli's definition, which brings into play the words "remote" or "insignificant." It may be that using the word "insignificant" brings forth different categories of private interest for members. What is an insignificant interest for one member may not be for another. The whole question of remoteness also possibly brings into play different levels or different degrees of what is or is not a private interest for a member.

1050

Our position is that the definition of "private interest" is framed so as to be as wide as possible, but must also be read in conjunction with the discretion given and the role given to the commissioner. Together, we feel that will provide a greater sense of clarity and understanding of the legislation as to the roles of each and every member.

Mr. McClelland: I believe Mr. Offer has expressed some of my concerns or views, and as much as I would be delighted to support my good friend Mr. Polsinelli, I do not think I can support his amendment.

It seems to me that section 13 provides a mechanism whereby if a member has doubt in his or her mind, the member can go to the commissioner and have an opinion rendered. My fear with the amendment or the addition of clause 1(d) proposed by Mr. Polsinelli is that in retrospect or after the fact, a member may say, "But I thought I fell within the exception as outlined in clause (d)." Mr. Offer touched on some of the subjective elements that can come into that reasoning and that process. It seems to me section 13 provides the mechanism for the member in that regard.

A secondary problem I see is with respect to section 14 and how this amendment may impact on that. Regardless of whether a perceived conflict is insignificant or remote or whatever, if a member of the House feels that there is a conflict he is going to refer to the commissioner in any event. All the protestations by the member who allegedly erred in a conflict is not going to stop the allegation from being made. I see clause (d), although the intent is good, raising potentially more problems than it solves. Unfortunately, I am going to have to vote against that amendment.

Mr. Breaugh: Could you kindly clarify for me, is this a government amendment or what?

Mr. Offer: No, it is not.

Mr. Breaugh: Oh, it is not?

Mr. Offer: It is not a government amendment.

Mr. Breaugh: You see, confusion does exist when a member of the committee is used in the role of presenting the government's amendments and the same member presents amendments which are in fact not the government's amendments, but the Polsinelli creed. As long as we make the distinction here, that is fine.

Let me give you a little bit of an argument because I generally have no

problem with this type of amendment. As Mr. Polsinelli points out, this is lifted from the Municipal Conflict of Interest Act. As Mr. Smither said, it is one of those parts of the Municipal Conflict of Interest Act which is not used very often. It was designed to be in there as a mechanism to weed out the insignificant. However, most of the time the courts seem to be saying, "Insignificant or not, we are going to have to deal with this."

I suspect that is what the commissioner will be doing too. It might be loosely classified as yet another weasel clause. I am not so sure the commissioner is anxious to have those. In a strange way, in my view the commissioner should be a very inactive office. If the legislation is clear, there will not be allegations made very often and the commissioner should not be too busy. If the commissioner is busy, to me it would be a sign, an indicator, that the legislation is seriously flawed and that there are a lot of judgement calls going on.

I appreciate that many members, people in the cabinet probably, in making the initial judgement call would appreciate some general classification such as this where they simply say, "Yes, there is a conflict but it is very remote and it is insignificant," and all of that.

The problem that I have, you see, goes back to my original argument. With a very broad definition and a kind of an exemption clause to boot, no one exactly knows what you mean by private interest. I recognized or thought I did how difficult it is to get consensus among the members of this committee on exactly what we mean by private interest, but I think it is important enough that we should have continued that. Now the government has rejected that.

I do not have a big problem with this but I do not think it assists us very much either when we put into the act yet another exemption of this nature which essentially provides a loophole to the loopholes. I do not think we need it. I hate to be caught on side with the government and opposed to Mr. Polsinelli but I am afraid that is where I am.

Mr. Polsinelli: The reason I proposed this amendment is a fairly simple one. I think the commissioner will invariably come across situations where he feels that there is a conflict, that the member has made or influenced a decision that furthered his private interest, but he will also determine, in those extremely rare situations, that the member's private interest was really something trivial, something insignificant.

He may have been making representations on behalf of a brother-in-law before an agency or board, or something of that nature, because his brother-in-law had been deprived of a right or--I am stretching my imagination to come up with a practical example, but I think examples can be found.

I was discussing with some members last week the situation where a member would be making representations before the Workers' Compensation Board for a relative who happened to be a minor child, a 17-year-old child who had been working on construction one summer and was hurt and the WCB failed to recognize his claim. The father happened to be a member so he started to make representations.

You are in a conflict situation there. You are influencing somebody's decision to further your private interest. Yet I do not think that is the type of private interest that should be covered by the act and I do not think any member of this committee would think so. The attempt here is to cover that type of situation, to cover the situation where the commissioner will say,

"Yes, I think there is a private interest there, I think you are in a conflict situation, but I also think that is the type of situation that should not be covered by the act." That was the attempt.

I do not think the legislation gives the commissioner enough discretion. What the definition of private interest says is that a private interest is what the commissioner will decide will be a private interest, other than those items that are accepted in the definitions clause. But there is still an inherent meaning to the word "private" and an inherent meaning to the word "interest," and I am sure there will be situations where the commissioner will come across a particular scenario where he determines, in his interpretation, that it is a private interest.

That is what I am attempting to eliminate. I am, in a sense, attempting to give the commissioner slightly further discretion by saying, "Yes, you can define this as a private interest, but yes, you can also say this is not the type of private interest that should be penalized or that the member should stop from acting on."

With respect to Mr. McClelland's concern that the member will effectively rely on this amendment and not take advantage of section 13 of the act which allows him to get the commissioner's opinion, I would say, Mr. McClelland, that member is fairly foolish. That would be something that should not be recommended to anybody.

If there is any question in the member's mind as to whether he is in a conflict situation, he should be seeking the commissioner's advice and not relying on this section. No municipal councillor that I have ever met in my life has come across anything that remotely resembles a conflict or has relied on a similar amendment in the Municipal Conflict of Interest Act. I think provincial politicians will do likewise. They will not rely on this section.

This is not for the benefit of a member vis-à-vis the member's making a decision in terms of whether he is in a conflict. It is for the benefit of the commissioner in determining whether a conflict exists that should be penalized, and that was the intent of my amendment.

1100

Mr. McClelland: I do not want to debate at length, Mr. Polsirelli. I understand that. My problem still remains, though, that notwithstanding that intent, in the first instance, I say with respect, I do not think the commissioner needs it. Regardless of the intent, I believe there will be--and the potential exists, and unhappily, it will probably result in some members misapplying the intent of your amendment. I sympathize with your rationale. However, I remain at this point yet unconvinced. I will say no more.

Mr. Chairman: Does anyone else want to speak to Mr. Polsinelli's amendment? If not, we will have a vote on it.

All those in favour of Mr. Polsinelli's amendment with regard to "private interest"? All those opposed?

Motion negatived.

La motion est rejetée.

Mr. Chairman: Are there any other amendments for section 1? If not,

all those in favour of section 1, as amended? All those opposed? The section carries.

Mr. Breaugh: We would like a recorded vote on section 1.

Interjection.

Mr. Chairman: Well, we will have a recorded vote and then we will see how it looks to you, Mr. Philip.

Mr. Polsinelli: Point of order.

Mr. Chairman: What is your point of order?

Mr. Polsinelli: My point of order is that--

Mr. Chairman: Will you please get in your seat?

Mr. Polsinelli: There is a mike right here.

My point of order is quite a simple one. As I see it, the vote has been taken. By asking for a recorded vote, you are effectively asking the members to vote again. What if I change my mind?

Mr. Breaugh: You can do that.

Mr. Polsinelli: After the vote has been taken?

Mr. Breaugh: Yes. After a voice vote is taken.

Mr. Polsinelli: Well, I would ask you to make a ruling on that. It seems to me that it is slightly improper. If a member wants a recorded vote, that member should ask that the recorded vote be taken prior to the vote being taken.

Mr. Chairman: Mr. Polsinelli, the chair will exercise its option with regard to this, and the chair rules that there is no point of order. Mr. Breaugh has asked for a recorded vote and he will be granted a recorded vote.

Mr. Breaugh: You see what happens when I try to be reasonable and accommodate the government?

Mr. Chairman: And you will notice, Mr. Breaugh, how the chair is accommodating you.

Mr. Breaugh: You are a wonderful person--and you spend your entire life as a Liberal.

Mr. Chairman: All those in favour of section 1, as amended?

Mr. Polsinelli: I am abstaining.

Mr. Chairman: You cannot abstain.

Mr. Polsinelli: I have already voted.

Mr. Chairman: I am sorry, Mr. Polsinelli, you cannot abstain. You have to vote either in favour or opposed to it.

Mr. Polsinelli: What are we voting on, Mr. Chairman?

Mr. Chairman: We are voting on section 1, as amended.

Mr. Polsinelli: I thought we did that.

The committee divided on section 1, as amended, which was agreed to on the following vote:

L'article 1, modifié, mis aux voix, est adopté:

Ayes/Pour

Cordiano, Faubert, LeBourdais, McClelland, Polsinelli, Sullivan.

Nays/Contre

Breaugh, Johnson, J. M., Philip, Sterling.

Ayes/pour 6; nays/contre 4.

Mr. Chairman: Section 1 has been carried. The next section is section 5. The government has an amendment on this.

Section/article 5:

Mr. Chairman: Mr. Faubert moves that section 5 of the bill be amended by adding thereto the following subsections:

"(4) The commissioner may direct a member,

"(a) to dispose of a fee, gift or personal benefit whose acceptance, in the commissioner's opinion, contravenes subsection (1);

"(b) to dispose of a gift or personal benefit whose disclosure is required under subsection (3).

"(5) The direction shall be in writing and may specify the manner in which the member is to dispose of the fee, gift or personal benefit.

"(6) The member shall comply with the direction."

M. Faubert propose que l'article 5 du projet de loi soit modifié par adjonction des paragraphes suivants:

«(4) Le commissaire peut ordonner au membre:

«a) de se dessaisir d'un honoraire, d'un don ou d'un avantage personnel dont l'acceptation, selon le commissaire, contrevient au paragraphe (1);

«b) de se dessaisir d'un don ou d'un avantage personnel dont la divulgation est exigée aux termes du paragraphe (3).

«(5) L'ordre est donné par écrit et peut préciser la façon selon laquelle le membre doit se dessaisir de l'honoraire, du don ou de l'avantage personnel.

«(6) Le membre se conforme à l'ordre.»

Mr. Chairman: Thank you, Mr. Faubert. Do you have any comments on that, or does the parliamentary assistant have any comments?

Mr. Offer: Very briefly, this is a combination of the elements of previous NDP and Progressive Conservative Party proposals for amendment to this section. What it does is give the commissioner the discretion to order the disposal of gifts which should not have been accepted--that is the first type of gift--and second, protocol gifts which have a value greater than \$200. This is our wording to accommodate both the Progressive Conservative and New Democratic Party proposals with respect to this section.

Mr. Chairman: Any other comments?

Mr. Breagh: I am still having some difficulty with this section of the act. I grant that the amendment appears to kind of move to accommodate some other concerns. I am not so sure that it does it.

I want to just put on the record again whether we are doing anything that is worth while or just creating headaches for people unnecessarily. I remain unconvinced that we are doing anything of a substantially positive nature here.

As I read it with the amendment, now the commissioner can, for example, if the commissioner becomes aware of it, direct a member of the assembly to get rid of something. By and large, I accept the notion that there needed to be in the bill some power for the commissioner to say, "This is inappropriate, you should get rid of it."

Let me be very straightforward about the quandary that I am now in. I consider this to be a very small bug in a very small pond. The government rejected the notion that the commissioner should have the power to clearly divest a member of the cabinet from a huge, substantial, personal financial gain. Now here we have the situation where it is OK for a minister of the crown perhaps to retain a conflict situation and the commissioner cannot deal with the big apple but the commissioner is going to occupy his or her time going around finding out whether somebody got a really great tie-rack that is worth more than \$200. And if he does find that, boy, he can come down hard on that.

You see, my problem is I do not disagree that the commissioner should be able to say, "Get rid of the golden tie-rack." I do not have any problem with that. But it seems to me that to be fair, if we are going to have such a rabid attack on the ordinary members, it ought to apply to the ministers as well.

The government rejected amendments to empower the commissioner with the ability to cause divesting. The government said it is enough to disclose it. I am having a little difficulty swallowing an amendment which says, "For the small change, we'll give him the power to cause you to get rid of it; but for the big arguments, no, we'll just disclose that," in a way that is yet to be designed but in our first run through the process is about the most secret disclosure process I have ever seen.

I do not quite get how the government says, "For the big conflict, there is no power to cause the minister to divest; but for the little conflict, we'll really boot those folks around." That is my problem.

If you had accepted amendments to cause the commissioner to have the power to make members of the cabinet divest certain interests--and all along we argued that this would not happen regularly, it would be a fairly rare occurrence but that should be the commissioner who makes that judgement call--certainly this would be the appropriate corollary to that, but you are doing it backwards, folks. You are in essence providing punishment for a petty crime and a major crime is OK.

I do not understand that, so you are going to have to let me ruminate about this one for a while. I am really hard pressed this morning to see how we put this kind of an obligation--for example, to be a little more specific, a minister of the crown may well get the opportunity to claim, "This tie rack was given to me by the Shah of Iran, and it is protocol." There are certainly far more occasions when he would be in a position get a gift of that nature, so he can accept it.

1110

Jack Johnson goes somewhere and somebody gives him the same thing, and Jack cannot claim protocol because he is not a member of the cabinet. He is unlikely to get himself into a position where he would represent the government of Ontario. So the same item of the same value may be dismissed, on the one hand, as being a protocol gift and, on the other hand, for an ordinary member be something that is worth more than \$200.

I am having difficulty seeing the consistency here. If you want to accept this concept of divesting for ordinary members, which I personally accept--but I only accept it in tandem with the fact that the commissioner would have a similar power to cause members of the crown and other members to divest where the conflict of interest is greater and more substantive.

You are giving me not quite half a loaf here. That is my argument. Apply it equally in both instances and I am happy. That is what I have been calling for, but you cannot really convince me there is very much in the way of fairness here when you apply it to the smaller items, which would more logically happen to almost every member of the Legislature, and you refuse it on the larger items, which would more likely fall on the cabinet.

Mr. Cordiano: Mr. Chairman, I can--

Mr. Sterling: Could I just ask a question? That is all I want to ask. Is there any section that gives the commissioner the right to order a member to do something other than this section as amended?

Mr. Polsinelli: Why don't we just leave it the way it is?

Mr. Sterling: Does he not make a recommendation in every other case to the Legislative Assembly? That is the problem I have with it.

I am sorry, Mr. Cordiano.

Mr. Cordiano: I was about to say that I have thought about this section for some time as well; in fact, I have discussed this with both the Attorney General and Mr. Breaugh. I can sympathize with some of the things Mr. Breaugh is suggesting when he says there is some difficulty with respect to the amounts involved. I too would be in agreement that I would not want to see a situation where the commissioner is spending all his or her time chasing after what we would consider small items.

On the other hand, I think that is where my agreement with him ends, because if we are talking about divestiture, we are talking about, in a sense, a very real difference in ideological approach to this. It is not the same thing as saying to a commissioner, "We are going to give you the power to ask members to make sure they are going to divest themselves of holdings."

What we are saying in that case is that we should certainly restrict the kinds of people we have in cabinet, because in a sense there is no way you are going to have people who own businesses, etc., running for office at that point in time when you put such very difficult constraints on what they can do while they are in cabinet.

It is not the same thing. The demands you are making of those people who have run for office, who certainly will be considered for cabinet and who one day might be in cabinet--you are asking quite a bit. I do not think it is the same order of magnitude. Obviously, that is what Mr. Breaugh is arguing, that in a very real sense there is a very big difference between receiving the \$500 benefit and maintaining one's business assets. But we have some very strict guidelines in the form of legislation in Bill 1 now as to what a cabinet minister can and cannot do. Certainly, I think we have discussed this with respect to management trusts.

We do not have a blind trust any more. We have a management trust, and there is an arm's-length relationship between the person who puts his or her assets in a management trust and the person who is conducting or directing the affairs of that trust. There must be an arm's-length relationship for the trust to maintain its integrity, and the commissioner will oversee that. I think that is what the Attorney General said.

I do have some sympathy, as I said from the outset, that what Mr. Breaugh is saying has some measure of merit in the sense that the commissioner is going to spend some time investigating some of these items. On the other hand, if we do have a situation where a cabinet minister receives a gift or personal benefit and it remains a fuzzy question as to whether it is as a direct result of protocol or as a consequence of his office or any member's office, lo and behold, you will have members attacking the cabinet minister for having had the opportunity, because of the fact that he was a cabinet minister, of holding on to this gift and using as an excuse the fact that there is protocol involved because of the position he holds.

I do not think we solved that problem. This, I think, is much clearer than what we had before, in the sense that if there is a question and if clearly it is not a consequence of protocol or a result of the cabinet minister's duties, that personal benefit or gift should not remain with the cabinet minister or with the member.

In the case of the member, it is very clear; it is not as difficult to determine. In the case of the cabinet minister, it might be more difficult, so I think there is the need to have the commissioner direct the member to dispose of a gift or a personal asset when the member is not quite sure if it was a result of protocol or duty. I think each of us can look at a situation where that has occurred, perhaps, and it was not very clear-cut, not yet.

Mr. Sterling: I do not like this amendment. You have changed the role of the commissioner by virtue of this particular amendment to section 5. If you are going to make the commissioner a toothless tiger, which he is in dealing with cabinet ministers who are in conflict, you have a situation where he becomes a tiger with bite in this one section dealing with gifts. If you

are going to put forward the amendment, I would prefer that the commissioner, in the same words as perhaps section 16, "may recommend in a report that is laid before the assembly that a member dispose of a fee, gift," etc.

It is ironic that we are dealing with a situation where I put forward the kind of bill we have here, in terms of the Freedom of Information and Protection of Privacy Act, and we had the Liberals talking about the fact that the commissioner was not independent of the Legislative Assembly, etc., whereas we have created a piece of legislation here where the commissioner has no real power at all, particularly under the majority government situation which exists at most times in the parliament of Ontario. When the commissioner deals with the cabinet of any given Premier, the Premier can really order the House around as to whether he follows a recommendation.

In terms of the previous amendments our caucus put forward in dealing with the commissioner, we only wanted the commissioner to have the right to recommend that a cabinet minister be removed from his particular office. In this situation, the government would not accept that. Therefore, I would prefer a recommendation section rather than a direct section in this particular circumstance. I would be reluctant to support this. I do not think Mr. Aird agreed to his job with this kind of an understanding. I would prefer an amendment which had something to do with the word "recommend."

1120

When the Conservative caucus put the amendment first, it was an absolute. Once it was found that there was a gift under section 1, it would escheat or it would be an automatic. In this case, it gives the commissioner a chance to play around and say what might or might not be done with the gift, etc. So we would prefer either to do it absolutely or to make it a recommendation.

Mrs. Sullivan: One of the things I did over the weekend was to try to discover the origin and meaning of the word "recuse" in the recusal registry that Mr. Justice Parker spoke about. I found that in 16th- and 17th-century England, a recuse was a person who was a member of the Church of England and who refused to participate in the dogma, discipline or rituals, or even to enter, the Roman Catholic Church. Clearly, that was not the way Mr. Justice Parker was using the word.

I searched further and discovered that, indeed, in earlier medieval times the word "recuse" was used to describe a judge who had made up his mind prior to hearing the evidence. In most cases, that situation did not relate. Indeed, the making up of the mind was not speaking about a pecuniary interest in a situation. It was really talking about his position in the class to which he belonged and how that influenced later decisions. Therefore, judges, who were usually from the land-owning class, might always rule against poachers, for example.

The personal benefit, in terms of our modern language, was really a benefit relating to class or to prior opinion related to class matters. I think this description really relates directly to this section. If the land owner, for example, presented the judge with a brace of partridges, it probably would not have changed the judge's mind before the decision was made. He would have had the preconception and the opinion as a result of his membership in a certain class.

What we are talking about in relationship to gifts is the appearance of

the bribe or the payoff that, indeed, will make a difference in a person's opinion and the way a person would act. The question we are really asking is: Are these gifts a matter that will influence somebody actually or will they provide the appearance of interest? So this section is really going right back to the definition of "private interest" that we have in the first part of the bill.

I am not mad about this amendment. As I have looked at the philosophy of the bill, I am convinced that disclosure is an adequate protection method and that the appearance of a conflict, the appearance of an influence on one's opinion and subsequent action through disclosure, is limited.

In a situation where a gift of \$200 is known--which, as I have previously said, in my riding is considered a large gift--it will be very clear, not only to the commissioner but also to the public when it is announced, that there is a conflict if a decision relating to the receipt of that gift has to be made at some point. The problem exists only when a decision has to be made.

I am very sympathetic to both Mr. Breagh's and Mr. Sterling's views as to whether disclosure is adequate and whether, having disclosure, the commissioner should have any power to go beyond that. I want to hear further discussion from the minister, really, relating to this section. I have problems with it.

Mr. Offer: Moving back to the amendment, the objective for this amendment was to come to some sort of combination of the elements of the previous New Democratic Party and Conservative motions or proposals for motions. The reason for the amendment was so that if a member did accept a gift of protocol in excess of \$200, he or she would be able to go to the commissioner to relieve himself or herself of the gift. It would just provide a certain and a further opportunity for the member with respect to the acceptance of a protocol gift in excess of \$200 or a gift which he or she ought not to have received in the first place.

With respect to the comments as to the whole question of conflict, the act is clear that, number one, where the member is in conflict under this legislation, he or she, at the discretion of the commissioner, may have certain penalties recommended, and it is not available to the members at that time, after a conflict has been determined, to divest themselves of the interest which caused the particular conflict. With respect to divestment prior to conflict, in fact, that is prior to conflict, and it is up to the member, through obtaining the advice of the commissioner, which is available under section 13, to make certain that his or her action does not put himself or herself in conflict, and that can be done in a number of ways.

With respect to a member with a large holding or wide holdings, under section 7, certainly for cabinet ministers in the approval of trust provisions by the commissioner, it may be that the practicalities would be that the member would have to divest himself or herself, but it is not so ordered. It just would be a practicality in the carrying on of his ministry as an effective minister. I think in the last couple of weeks that matter has been discussed at some length.

So we do not see there is any difference in our direction with respect to this particular amendment, in so far as it relates to the procedure under conflict, and to once more restate that section 5 is done as a way of accommodating two prior points brought forward by the Conservatives and the

NDP. It is up to the members of the committee, as always, whether they wish to accept our proposal for this accommodation.

Mr. Chairman: Does anyone else wish to speak to this motion? If not, we will have a vote. Does anyone want a recorded vote? If not, let us have a show of hands.

All those in favour of the government amendment to section 5?

All those opposed?

Motion negatived.

La motion est rejetée.

1130

Mr. Chairman: Are there any other amendments to section 5? If not, is everyone in favour of section 5?

Mr. Breaugh: No. Let us take a recorded vote.

Mr. Chairman: A recorded vote. OK.

The committee divided on section 5, which was agreed to on the following vote:

L'article 5, mis aux voix, est adopté:

Ayes/Pour

Cordiano, Faubert, LeBourdais, McClelland, Polsinelli, Sullivan.

Nays/Contre

Breaugh, Johnson, J. M., Philip.

Ayes/pour 6; nays/contre 3.

Section/article 12:

Mr. Chairman: Has anyone any amendments or is there any discussion on section 12? I understand there are no government amendments on this section.

Mr. Breaugh: I asked that this section be stood down. I wanted to have the opportunity to vote against the section and to make some closing arguments on the matter. I really feel this is one of the prime failures of this proposal. A government that hangs all its argument on the idea that the public disclosure is the vital element--and I agree that it is one vital element in all of that--then has to be absolutely meticulous that the public disclosure provisions actually do that.

I contend that what has happened here--and I also argue that the government has some opportunity to rectify the situation by means of regulation and practice, and I heard the Attorney General say that he was at least prepared to listen to that--is a public disclosure statement which is completely nonsensical.

To allow people to pretend to make a public disclosure statement and continue to use numbered companies is ridiculous. To allow people to put forward huge pieces of paper with absolutely no information on them is fraudulent. I cannot find any other word for it. If you pretend that you are providing a disclosure which does not disclose information, it may not be fraudulent in the eyes of the law but it is certainly pulling the wool over somebody's eyes. To say that you are putting forward a disclosure statement that requires further investigation is ridiculous.

I have said before that I am not advocating an American-style, all-out probe into people's assets. I do not think that is appropriate either. But surely the people of Ontario deserve more than to have a public disclosure statement which does not tell them information, which provides them with the use of numbered companies or the use of company names which really do not describe very much more in some instances, which really does not accurately portray what it is supposed to portray.

If you are hanging your hat on the disclosure provisions of this bill, your hat is on the wrong rack. This bill, as it has been practised once in the form of disclosure statements, failed miserably to provide the public with a reasonable expectation of accurate information on what are people's assets and liabilities.

I have searched for some consensus on this and it seems to me that the government is quite delighted with what it has here. The government is quite content with the notion that it can say there is a public disclosure requirement and when you read what is actually made public, it gives you no information. I have seen that routine before. The fact that there are substantial pieces of paper seems to make the government even happier.

We will have our little debate this morning and we will vote against this section, but I am going to make a plea to you. The government has at its disposal an opportunity, by means of setting regulations, by means of redrawing some forms, by means of discussing with other members of the assembly, to create something which could be a little closer to the mark.

If you really believe that this disclosure is the be-all and end-all, then you had better do some work on a disclosure system which actually tells people some accurate, reasonable information, because the current system that you have does not do that. It is misleading in the extreme to say, "We as a government believe very strongly in disclosure as being the only concept, the only principle that carries the day on conflict-of-interest legislation," and then perpetrate something which is really quite wrong.

I know we have had our larger discussion about it, and I will not belabour the point this morning, but I do think you have yourselves a problem here. I am not advocating disclosure as being the be-all and end-all. I think it is an important part of establishing a legitimate legislative approach to conflict of interest, but without things like a requirement to divest in major conflicts, without some registration of the lobby industry itself, you are not doing very much. But if you have opted for disclosure as being the centrepiece for your conflict-of-interest legislation, then at least you have to have the common decency to provide disclosure statements which actually are accurate, readable, understandable.

Again, to go back to what Parker said in much of his \$3-million effort, if it is not clear, you are doing everybody a disservice. If you fuzzify, if you make it so obtuse as to have it in a format that no one can understand,

your intentions are questioned no matter how honourable they might have been in the first place. I am not suggesting for a moment, for example, that somebody like John Black Aird, who is an eminently qualified person and a distinguished Canadian, had any intent at all to publish with the Clerk of the Legislative Assembly documents that did not meet the requirements of the law. In fact, that is my concern; they may well meet the requirements of the law but they do not meet the requirements of the people of Ontario.

So I am going to make an argument here this morning that in this one section of the act you could do more to regain your credibility than in any other section. The one thing that is of immediate interest to me and to many others who are studying this legislative proposal in Ontario is that if disclosure is the main portion you are offering here, then you really have to disclose. You have to provide a reasonable, understandable method of identifying what are people's assets and liabilities and you just cannot continue with the system that you have now developed.

Mr. Polsinelli: I have heard this speech from Mr. Breaugh at least four times in the past two weeks.

Mr. Breaugh: That is true, and you will hear it at least four times more.

Mr. Polsinelli: I am sure I will hear it a couple more times. But in the intervening discussion, I think Mr. Breaugh has failed to amend his speech by including certain things that happened to section 11 of the act, principally an amendment to subsection 11(2), dealing with privately controlled companies, that requires members to now disclose the assets and the liabilities of privately controlled companies. So whether you have a numbered company, whether you have a company known as ABC Ltd. or Mike Breaugh Ltd., no matter how the company is called, you still have to disclose its assets, you still have to disclose its liabilities, you still have to disclose its income for the past 12 months and the next 12 months.

I would like to know what more Mr. Breaugh wants, because if you are looking at disclosure, if you are looking at baring your soul to the commissioner and to the Legislature, you have to do it if you own the assets personally, if you are deriving the income personally, and you have to do it if you are controlling a company. So, Mr. Breaugh, given that, given that your amendment to subsection 11(2) carried--it was a New Democratic Party amendment that the government accepted and that the members of this committee carried--what more do you want?

Mr. Breaugh: I grant that you are getting the message. It is probably just going to take a few more whacks before you understand it.

Mr. Offer: To carry on with Mr. Polsinelli's point, it has also been stated by the Attorney General--and I will restate it--that it is his intent that there would be all-party participation in meeting with the commissioner, in determining and going over the particular form that has to be filled out, to meet some of the concerns that Mr. Breaugh has indicated. It is the position of the Attorney General that that would in fact be happening in this process.

Mr. Chairman: Thank you. We will have the vote on section 12. Does anyone wish a recorded vote?

Mr. Breaugh: Yes.

1140

The committee divided on section 12, as amended, which was agreed to on the following vote:

L'article 12, modifié, mis aux voix, est adopté:

Ayes/Pour

Faubert, LeBourdais, McClelland, Polsinelli, Sullivan.

Nays/Contre

Breaugh, Johnson, J. M., Philip, Sterling.

Ayes/pour 5; nays/contre 4.

Section/article 17:

Mr. Chairman: Is there any amendment to section 17a? We have had a fairly full debate on the rest of it. Mr. Breaugh?

Mr. Breaugh: You will have to allow me the opportunity to check through my notes. Is there a government amendment on that?

Mr. Chairman: Yes, as I understand it, but no vote has been taken on it. What we need is a vote on it.

Mr. Breaugh: The amendment that I have is section 17a. I do not think you would want me to read it again, but basically, for the information of the members, it adds a part requiring lobbyists to be registered, if you recall. That is what we are voting on.

Mr. Chairman: Do members have subsections 17a(1) and (2) before them? Will we have a vote on it?

Mr. Breaugh: We want a recorded vote.

Mr. Sterling: Could I just read it?

Mr. Chairman: Yes, go ahead and read it, Mr. Sterling.

I will read the amendment, if you want me to, so that everybody is reading from the same hymnbook. I am not moving this amendment; it was moved. Just for clarification, it was an NDP motion, section 17a. Mr. Breaugh has moved that the bill be amended by adding thereto the following section:

"17a.(1) No person shall, for a fee, seek to promote another person's interest for the purpose of influencing a member's decision or action, or hold out that he or she is available for the purpose, unless the person is registered as a lobbyist by the commissioner.

"(2) A person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 dollars."

The committee divided on Mr. Breaugh's motion, which was negatived on the following vote:

La motion de M. Breaugh, mise aux voix, est rejetée:

Ayes/Pour

Breaugh, Johnson, J. M., Philip, Sterling.

Nays/Contre

Faubert, Cordiano, LeBourdais, McClelland, Polsinelli, Sullivan.

Ayes/pour 4; nays/contre 6.

Mr. Chairman: Section 17, I am advised, has been carried.

Section/article 18:

Mr. Chairman: Mr. Breaugh, you had an amendment?

Mr. Breaugh: Yes. The section 18 amendment would simply provide for the setting of regulations for lobbyists.

Mr. Chairman: Mr. Breaugh moves that section 18 of the bill be struck out and the following substituted therefor:

"18. The Lieutenant Governor in Council may make regulations,

"(a) providing for the registration of lobbyists and for the refusal or cancellation of registration;

"(b) governing the conduct of registered lobbyists;

"(c) prescribing any matter that is referred to in this act as prescribed by the regulations."

M. Breaugh propose que l'article 18 du projet de loi soit remplacé par ce qui suit:

«18 Le lieutenant-gouverneur en conseil peut, par règlement:

«a) prévoir l'inscription de lobbistes ainsi que le refus ou l'annulation de l'inscription;

«b) régir le comportement des lobbistes inscrits;

«c) prescrire toute question mentionnée dans la présente loi comme étant prescrite par les règlements.»

Mr. Chairman: Are there any comments?

Mr. Sterling: Is Mr. Breaugh still putting this amendment forward in view of section 17a not carrying?

Mr. Breaugh: Actually, we are just having a recorded vote on the matter. That is what is happening.

Mr. Chairman: A recorded vote has been requested.

The committee divided on Mr. Breaugh's motion, which was negatived on the following vote:

La motion de M. Breaugh, mise aux voix, est rejetée:

Ayes/Pour

Breaugh, Johnson, J. M., Philip, Sterling.

Nays/Contre

Faubert, Cordiano, LeBourdais, McClelland, Polsinelli, Sullivan.

Ayes/pour 4; nays/contre 6.

Section 18 agreed to.

L'article 18 est adopté.

Mr. Breaugh: The only other matter that I have on my notes is that there is a government amendment to section 20. Can I get clear what we are fiddling with this morning? You want to leave the short title the same and you want to move that the long title of the bill be struck out and the following substituted therefor, "An Act respecting Conflicts of Interests of Members of the Assembly and the Executive Council."

Mr. Chairman: Yes. Does someone wish to make that? Hold it. Just one moment. Mr. Offer has a comment.

Mr. Offer: I just want to make it very clear that the amendment that was in the discussion papers is just for discussion. The government is not moving at this time any motion with respect to the title of the bill. If someone else wishes to, that is as per discussion.

Mr. Breaugh: What kind of weasel--

Mr. Chairman: Mr. Offer, does the government support this?

Mr. Offer: As per the discussion, if it is the wish of the committee, we have no problem in so doing but it was just a matter for discussion from day one.

Mr. Breaugh: Polsinelli, lead the revolution.

Mr. Faubert: Surely the intent of the bill, as discussed all along, was for public clarification of what the bill means. That alone is necessary. I think most members of the Legislature were confused by the actual title. I think we should really support this motion that is before us.

Mr. Chairman: The title is just slightly shorter than the Canadian or Oxford dictionary. Anyway, is somebody moving this?

Mr. Faubert: Mr. Breaugh did, I think.

Mr. Chairman: Mr. Breaugh?

Mr. Breaugh: I would be pleased to move the government motion.

Mr. Chairman: I am sure Mr. Breaugh will want a recorded vote on this.

The committee divided on Mr. Breaugh's motion, which was agreed to on the following vote:

La motion de M. Breaugh, mise aux voix, est adoptée:

Ayes/Pour

Breaugh, Cordiano, Faubert, Johnson, J. M., LeBourdais, McClelland, Philip, Polsinelli, Sullivan.

Nays/Contre

Sterling.

Ayes/pour 9; nays/contre 1.

Mr. Chairman: Shall section 20, as amended, carry?

Mr. Faubert This was an amendment to the long title of the bill. Section 20 is the short title.

Section/article 17:

Mr. Chairman: I am advised that there may be some varying opinions on section 17, whether it was originally carried or not. Just to make sure there is no dispute later on, I am going to ask for a vote on section 17, as amended.

The committee divided on section 17, as amended, which was agreed to on the following vote:

L'article 17, modifié, mis aux voix, est adopté:

Ayes/Pour

Cordiano, Faubert, McClelland, LeBourdais, Polsinelli, Sullivan.

Nays/Contre

Breaugh, Johnson, J. M., Philip, Sterling.

Ayes/pour 6; nays/contre 4.

Mr. Chairman: Shall section 20 carry?

Mr. Breaugh: Well, OK.

Mr. Chairman: All those in favour? All those opposed?

Section 20 agreed to.

L'article 20 est adopté.

The committee divided on whether the bill, as amended, should be reported, which was agreed to on the following vote:

La motion de rapport du projet de loi, modifié, mise aux voix, est adoptée:

Ayes/Pour

Cordiano, Faubert, McClelland, LeBourdais, Polsinelli, Sullivan.

Nays/Contre

Breaugh, Johnson, J. M., Philip, Sterling.

Ayes/pour 6; nays/contre 4.

Mr. Sterling: At the very beginning, with regard to this bill, I brought up a point in relation to some sections of the Legislative Assembly Act. I was not satisfied that the Attorney General or his staff had addressed potential conflicts with regard to that act. Before we deal with this on third reading, and it is probably going to go back into committee of the whole House under any circumstances, I would like legislative counsel to look at the Legislative Assembly Act.

I would really like a definitive answer that there is not any conflict between the sections dealing with members' conduct in that act and this particular act. In my view, there appear to be conflicts the way I read them. I would like to clean that up, whether it requires amendments to this act, on third reading, to repeal sections of the Legislative Assembly Act, if that can be done. I think it would be wise to deal with it at that time and I do not think there would be much controversy at that time to do it.

Mr. Chairman: I am sure legislative counsel has heard your comments. Is there any other further business? If not, members will recall that we have a session in the first week we are back, on February 10. Until February 10, the committee is adjourned.

The committee adjourned at 11:51 a.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

TELEVISION IN LEGISLATURE
SIMULTANEOUS INTERPRETATION

TUESDAY, MARCH 22, 1988

Morning Sitting



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)

Breaugh, Michael J. (Oshawa NDP)

Cordiano, Joseph (Lawrence L)

Faubert, Frank (Scarborough-Ellesmere L)

Johnson, Jack (Wellington PC)

McClelland, Carman (Brampton North L)

Polsinelli, Claudio (Yorkview L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

Swart, Mel (Welland-Thorold NDP)

Substitutions:

Ballinger, William G. (Durham-York L) for Mrs. Sullivan

Johnston, Richard F. (Scarborough West NDP) for Mr. Swart

LeBourdais, Linda (Etobicoke West L) for Mr. Morin

Reycraft, Douglas R. (Middlesex L) for Mr. Cordiano

Clerk: Forsyth, Smirle

Witnesses:

From the Office of the Assembly:

Somerville, Bill, Acting Director, Information Services Branch; Manager,
Broadcast and Recording Service

Morris, Linda, Manager, Parliamentary Public Relations Office

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Tuesday, March 22, 1988

The committee met at 10:18 a.m. in committee room 1.

TELEVISION IN LEGISLATURE

Mr. Chairman: I am going to call this meeting of the standing committee on the Legislative Assembly to order. I want to welcome the members back for a full two-week session that we are going to pursue.

All of you have a thick black binder, as Mr. Sterling is aware. It has the information, and there are some additional booklets regarding the standing committee on the Legislative Assembly report on harassing and abusive telephone calls and a report on the service of process on the former member for Brantford within the precincts of the House. Those have been delivered to the various members who are regular members of the committee and those who are pinch-hitting for the next week or two.

Maybe we should pursue the first item, which has to do with the second annual television broadcast service review. We have with us Bill Somerville, the acting director, information services branch. As a follow-up, immediately after that, we have Linda Morris, who is the manager, parliamentary public relations office.

Mr. Somerville, do you want to proceed and make your presentation? We will reserve our questions until you have made your full presentation. Then I am sure the members will have a number of questions on which they will want clarification. Members, for your information, his memo is in the book. I am sure all of you have read it. Do you want to proceed?

Mr. Somerville: Sure. I would like to thank you and the committee for inviting me to present this before you and to update you on the broadcast and recording service over the last year. As you know, I am here to report on standing order 98, but I would like to do more than report. I would like to thank you for your support over the last year and hope that you will keep up that support. To bring you up to date, I would like to walk you through the memo that I sent to the chairman and update you on these points. I have also brought along a piece of video I would like to show you.

In my opening letter, I mention two major changes in the information services branch, the first one being the removal of parliamentary public relations from under the information services branch. This now reports directly to the Clerk. The second major item in our past year was the resignation of Tom Mitchinson, the director of information services, and my appointment as acting director in January. Since January, I have had a busy time reading past memos and trying to get a year-end together and something to present to you today.

To go on to page 1, I have put this under general headings, and the ONT/PARL network would be the first page. I sort of classify ONT/PARL, the network, as what we broadcast to the public, the information we put on the satellite. You can see between the opening of the new session on November 3 up until the recess on February 11, we broadcast 720 hours. That includes the

House, committee meetings and repeats of these meetings. It is a fair number of broadcast hours.

A special event that we did on July 15 was the televising of the visit of the Duke and Duchess of York to Queen's Park. This was a major undertaking. I do not believe any parliament or any group similar to ours has ever taken on anything like this, including my contemporaries in Ottawa. We took on the televising of this, excluding all the broadcasters. What we supplied was a pool feed which was sent back to Britain via satellite. All the broadcasters took the feed from here. From the point of view of security and public relations, it was a very big worry for them for one person to handle it. Under my supervision and direction, I think it went very well.

Then on September 29 we televised for the first time the swearing in of the new executive council. I assume, after reading today's paper, we may be asked to do it again on May 9 this year. It was not much of a job, being that we have cameras built into the chamber, but the event happened very quickly and there was very little information given out and information was changing all the time. It was about the afternoon before the event that we finally got the arrangements all tied in and we had plans. We got it on the air, and I think it went quite well.

The next item we broadcast--and these are sort of extraordinary items, other than televising the House and committees--was on November 30, when we broadcast Lights Across Canada, which is the switching on of Christmas lights throughout the country. Each parliament was timed to switch its lights on together, at least the ones on the east coast. They switched on at seven o'clock in Ottawa and seven o'clock in Toronto, and we televised the switching on and the ceremony by the Speaker. I do not know if you remember it. We had two choirs and lots of excitement. This was something that happened at 6:30, half an hour after the House recessed, so we had to scramble. I think we were quite successful.

Also related to Christmas, we televised a Christmas message from the Speaker, which meant taking our camera into the Speaker's office, and we did the same for the Lieutenant Governor, sort of a personal message out to the citizens of Ontario.

Moving on after these special broadcasts into the distribution, our network is growing, and I am pleased to say I think we have almost all stations or all cable companies that qualify for a subsidy now enrolled in our program and in communication with the broadcast and recording service or, to be more specific, with the office of information services. As acting director, I do that contact now, which Tom Mitchinson did before.

The subsidy program finished on February 29; so this last two or three months has been a hectic time, sort of explaining to cable companies that the subsidy, which has been running for two years, is about to expire and they should get their applications in now and get them approved. The routine we go through for this is if the cable company qualifies and does not have facilities to receive the ONT/PARL broadcast, we can give it a subsidy up to \$15,000, which allows it to buy a satellite downlink and this receiving equipment.

A cable company would apply to the broadcast and recording service, saying it would like to buy this specific equipment. I then send that application to TVOntario, which has the responsibility of verifying and saying: "Yes, this is the right equipment. This company qualifies under the

guidelines set by the Canadian Radio-television and Telecommunications Commission." If they meet these guidelines, then we approve the subsidy, or at least I approve the subsidy, and it is given out to the cable company.

I have issued you a list. I think there are three pages. The first page is of companies that were on the system before April 10 last year and the last two pages are cable companies that have come on the system as of April 10 last year. So we have before April and after April.

With some of these companies you see there is no channel marked. That is because we have not done the phone call to them to say, "What channel are you putting us on?" and to get other information. I ask, unless you know these people personally, if you could refrain from contacting them until we contact them and really get this list 100 per cent up to date. Then I hope to issue this list in different formats, as we have it here and also listed alphabetically by cable companies and alphabetically by region, so that when you are in your own home riding, you can call up and at least you will have a contact with someone who has been in touch with the House here and the staff here. I will explain to you later that I am hoping to expand this communication between the cable companies and the ONT/PARL service.

Our sort of distribution service to the press gallery is continuing to be a success in our eyes, being that we watch the news digest every week and see more and more of our pictures being used, rather than people coming in with their own video clips, and actually using the statements by the members rather than putting words in people's mouths. That has been a major goal. I think we have probably nursed the press gallery more than what I hear from other assemblies and the people I have visited. We have taken time and trouble to meet the press and sort of try to bend over backwards to give them pictures. If they happen to miss the recording, I have been known to supply them with the piece of video they need, whereas I do not think other broadcasting services are that open to that type of stuff.

The first sentence on page 2, where I state that we have added the audio from this particular room and committee room 228, should not be in this section. It is more for in-house distribution. We do not broadcast these. This goes on the in-house television system. It was a mistake for that to be in there. Actually, it is to remind me this is being spread around the building.

The next section, on broadcast with the citizens of Ontario series, is our Wawatay programming arrangement with that native community. As you know, this agreement has been in existence almost a year and a half. Now it seems to be very successful. I have given you a copy of the report from the Wawatay community. There are things to look forward to in the future. According to our agreement, and we encourage them to do this, they will come back to the committee in September if all their plans fall into place and ask for a half-hour extension on air time. At the moment, we give them one hour. They would like by September of this year an hour and a half and by September of the following year two hours of service time. They will make a formal presentation to the committee some time in the fall asking for that. They have intimated in that report I have enclosed to you that they would like to do this.

This committee, as you know, approved two other occasional users, the Whipper Billy Watson telethon, which I know was successful, and also the multifaith service of Thanksgiving. Both of these items went without a hitch and people were very grateful to the committee and ONT/PARL.

1030

Going to the next page, we talk about productions. These productions are designed for the staff of broadcast and recording service to get involved between sessions and when we have quiet times. For example, last week there were no committees and the House was not sitting. I try to keep everybody occupied 12 months of the year. We do not run as a sessional service. We try to keep busy all the time, and these programs were produced mainly in between sessions.

To give me a wee rest, I have prepared a couple of minutes of each item here, and the order they are listed in is on pages 3 and 4, about a minute from each program. You possibly have seen quite a lot of them, but what I would like you to get from this is the variety of productions.

In the assemblies I have visited, no other recording service is tackling anything like this type of work. It seems to be very successful, and other assemblies and parliaments are thinking about it. I have just come back from Washington where I was telling them about it. I took them a videotape of some of the stuff and they definitely plan to get into it. The federal House in Ottawa is planning to get into programming of this type. Why do we not just run this tape?

Mr. Chairman: Is this in colour, Bill?

Mr. Somerville: Of course.

Mr. Chairman: Living colour.

[Audio-visual presentation]

1045

Mr. Somerville: That is what kept us busy between sessions. I have another couple of pieces on here which I will just let run. One shows the chairman of another committee who has started almost promoting the service on air, which I think is a very good use of the medium. I asked his permission to show you this, if you did not see it live. It shows David Cooke, who started giving out names and numbers for people to contact if they were interested in the legislative process.

[Audio-visual presentation]

1048

Mr. Somerville: Following that piece, I included a bit of closed captioning, which you would never see unless you had a decoder at home for the hearing impaired. This goes out over question period when we rebroadcast at 7:30 at night and then on TVO at 11:30.

[Audio-visual presentation]

1049

Mr. Somerville: That is called closed captioning. It is a very hot issue in Washington at the moment, as you have probably read in the papers. The hearing impaired have a big lobby going, because they do not do this with their coverage. In fact, we are the only parliament doing this. Ottawa does the signing, which is not as good as this.

Mr. Polsinelli: Can that be done on a live transmission?

Mr. Chairman: Do you want to finish your presentation, Bill? Then we will have questions, and Mr. Polsinelli will be on first.

Mr. Polsinelli: That is all I wanted to know.

Mr. Somerville: The answer to that is it is done live, but then it is checked before it is rebroadcast. We do not do it live, but it can be. The people are now getting quite expert at it. When we started, they used to do a lot of editing and a lot of updating, but now they say it is almost unchanged by the time it is rebroadcast.

If you will go to our next subheading, on page 5, under the heading "Technical," you probably all know that the big project we tackled this summer when the House was down was to replace the audio system and the floor, which went from three tiers to four tiers. The broadcast and recording service did all the installation, ripping out the old system, putting in the new wires and connecting it up in all the boxes.

Initially, when the budget was put forward for the installation of television, this was to be done by outside contractors; in fact, the television installation was done by outside contractors. In the year's experience we got, we upgraded a lot of our skills, and the new people who came on stream had enough confidence and qualifications to take on the installation themselves. We did it ourselves with a resultant saving in the budget of at least \$200,000 that was allocated for outside resources, which we did not have to bring in. We did have supervision in the engineering section by Imagineering, who are the overall technical consultants to the broadcast. They oversaw the project, but assembly staff did all of the work, and I think they did incredibly well.

1050

Also during the summer, to try to expand our in-house service, I got together with Rogers Cable TV. We came up with an agreement to expand the service and utilize their nonused channel capacity. If you have Rogers at home, they have 40 channels, but they have the capacity for 80 channels in their system. I made a deal with them. I asked if we could use within the Queen's Park complex the channels they did not use, and they agreed to that, at no cost. We purchased, and again installed ourselves, the new modulators. Now we broadcast on channels 53 to 61, so people between here and Bay Street, if they are on the Rogers service, can see all the in-house facilities.

I have been a bit disappointed in the response, but I think it is because I have not really promoted it that well. Once I get one on one with people, they think it is wonderful that they can stay so close in touch with the House, watch the committees and the House and also listen to two additional committees now on audio, which they could not before. I think it is a very good service and worthwhile. I will raise this again later, to expand this extension from channels 53 to 61 further than just the Queen's Park complex.

In my next paragraph here, I state that we are replacing the audio lines and distribution system to the radio stations; they were overlooked in the initial plan. Since I finished--this stuff was done on the weekend--the lines are now in and we are reconnecting them. The problem before was the lines were old, 15 to 20 years old, and there was interference. Radio stations and police

calls used to break through, and that was the excuse the radio broadcasters used to give me that they could not use the House feeds. Hopefully, once we cable this up and finish it off, radio broadcasters should use more of the actual words from the assembly instead of their own words.

Also, we added new lines for video and audio into the main entrance. We also put an outlet box just on the outside of the main door so that we can quickly plug in a camera there and get in operation. As I mentioned earlier, these special events seem to come half an hour after the House recesses or 20 minutes before it opens, so with the staff we have we have to try to find some shortcuts.

Another thing I have not listed under this in "Technical" is that this committee and another committee raised the possibility of doing teleconferencing from Queen's Park with remote sites. We did a check on that, tested all the lines and are ready to go with that, at possibly a day's notice. When I say "the lines," the Ministry of Government Services has lines that go into the media studio. We have made provisions to connect up the Amethyst Room into these lines. We have done all the tests, and it can work. We could do a four-station pickup between Toronto--the Amethyst Room--with, say, witnesses coming into Kingston, Thunder Bay, Oshawa, Ottawa or London, Ontario. We are technically all set to go with that.

Mr. Sterling: Can I ask a question?

Mr. Chairman: Are you just about finished, Mr. Somerville?

Mr. Somerville: Just two more pages.

Mr. Sterling: I just wanted to ask a question on that particular area. Does it have to originate from the Amethyst Room? In other words, could you originate it from the Macdonald Block?

Mr. Somerville: Yes. In the Macdonald Block, the Ministry of Government Services has a room where it does originate. When I say from the Amethyst Room, we are tapping, via the media studio, into that room in the Macdonald Block. They have a teleconferencing area, so I think if you were using that you would not have to get broadcast and recording services involved; you would just do that with the Ministry of Government Services.

Mr. Sterling: In terms of having different areas of our province participate in the political process, not so much for committee work but for our political parties, if all parties agreed on certain weekends or a number of weekends, in order to hold a political convention, what I would like to know is, what kind of cost would that come down to for the Legislative Assembly? In other words, could we hold a political convention based in Toronto but where there could be participation in Thunder Bay and North Bay and Sudbury and wherever?

Mr. Somerville: As I mentioned, in these five towns I did, that was on the proviso that the people would go to a government building where they have another link, such as in Oshawa in the finance department where there is a teleconferencing room, so it would mean the participants would have to go to that room and then they would be directly connected to either the Macdonald Block or the media studio. These rooms probably hold about five people behind a table, they are not really designed for teleconferencing as such. Also, the quality of that feed is not as good as the quality we supply.

My set plan would not be to do as big an extension as your plan, but you may recall when one of the committees went to Sudbury we went and televised that committee and put it on the satellite and went province-wide. Technically, what you are suggesting is feasible, but the cost that could be involved depends on the number of cameras and the quality you would look for, and then the staff. Technically, there is no reason we cannot originate from anywhere in the province and hit on the satellite we are on and distribute through that.

Mr. Sterling: I guess what I am talking about is having basically 12 meetings running at the same time.

Mr. Somerville: That is more difficult. You would need 12 uplinks or else you would need to pool them all. You could do it in Toronto. It will be done for the summit coming up. We will be connecting all the hotels that have lines into what they call the television operation centre in Toronto, and that can be done, but that is a lot of money because you are renting from Bell.

We could organize four or five meetings in this building. We could do one in the media studio, we could do one in the Amethyst Room with these two new outlets I suggested and told you about, and one in the foyer; we could put a camera there. We could originate from five points in this building where we could put a camera, but this is quite unique.

Mr. Sterling: Maybe I will sit down and have a discussion with you.

Mr. Somerville: Sure.

Mr. Chairman: Do you want to just quickly finish, Mr. Somerville?

Mr. Somerville: Yes, OK. Under the heading of communications, my main communications part, you may recall that Eric Riordon came in and made a presentation to you which would hopefully promote our services to people who are not tuning in at the moment. You know this proposal was put together with an understanding that we have a better audience than we ever dreamed of, but I think the audience we have caught are really the people involved in politics and also the channel-switchers. We would still like to go after this audience and get the promotional package in place to go after the people who do not really watch television and people who do not channel-switch. I will maybe come back to this later.

I have also mentioned here we did attend--and I hope to increase our rapport with the cable companies--the Ontario Cable Telecommunications Association annual meeting. We will attend this year again. We had a booth where we met the cable operators and just gave them information. We had a couple of TVs running, showing them the parliamentary process. For me, it is important to keep in touch with these people. They promote our service, and if the service breaks down, the viewer at home thinks that parliament has broken down. He does not blame the local cable operators, so it is important that we keep on top of the operators.

Mr. R. F. Johnston: The teleprompter had broken down.

Mr. Somerville: We get the calls asking, "What's happened?"

I just briefly mention in the last paragraph that I am trying to form an association of parliamentary broadcasters, people like myself and people who are trying to get into television. As you probably know, all the parliaments

in Canada seem to be getting involved in television. We get a lot of phone calls and I am sending videotapes and messages out, so I am trying to get together the people from each parliament who would be responsible for that.

Quite often, it is the Hansard department that initiates or is going first to get that type of information, so we are piggybacking on the Hansard Association of Canada meeting which will take place in this province and in the building here in August 1988. I have invited technical broadcasters in.

Our in-house television service, on the next page, again, has expanded a lot. We have recorded 360 hours--this is just original recording--and these recordings are all put into the archives and will be here for ever. We have produced 443 dubs, varying from, again, meeting the press's needs, school boards, quite often witnesses who come and appear before committees, and even the parties in the room here.

Our arrangement is, the person requiring the dub gives us a blank videotape and we make the dubs. This is getting to an extent now where we are almost inundated with requests and in the near future we may have to come up with another plan. I think on our biggest day we did 18 dubs of one committee that was very popular.

1100

Our replay of 73 recordings has dropped since last year, but I think this is because I have been encouraging members and ministers to buy their own videocassette recorder machines and have them in the office. They can say to their aides or assistants: "I will be speaking this afternoon. Can you just make sure you record this item?" or "I would like a copy of this committee because I have missed it," or "I will not be able to attend." A lot more people within the complex are recording their own materials and using their own videotapes. I have guided them in which machines to purchase and how to keep on top of it.

We have compiled 100 News Digests, so that is 100 days since I took the figures here starting in November. Again, very successful. I hope you members find it successful. It is the recap of the seven stations that have offices in the building. We assemble the political items that we think you would be interested in, and even repeats. We just keep them all. We do not eliminate any; we try to add. My direction is, "If in doubt, you keep it in." Even if it is American news or federal politics, we keep it in.

The media releases are really just switching on our camera that is hung from the ceiling in the media studio. We did 66 of these in this last session from November to March.

In the audio section, we recorded 641 hours. That means all committees, the five committee rooms including this one, and the House proceedings. As you know, we record everything on audio cassette for transcription by Hansard. These audio cassettes are recycled all the time. Once Hansard is published, we recycle them.

On our coverage within Queen's Park, I have briefly mentioned the extension is to channels 53 and 61. It has given us a wider audience, and the various ministries use this service a lot. We get a lot of calls asking for information on the channels 53 to 61 use. The only drawback we have had is people with old television sets. You need a cable-ready television or else a cable converter to receive channels 53 to 61. We have had some minor problems

with people with old sets. An old set is something older than two years. You will not receive these channels. It has to be cable-compatible when you buy the set, saying that right on it.

I also mentioned earlier that we take the audio from this room and 228 and we feed that in behind channels 4 and 12 when these committee rooms are being occupied. I hope to get the message to the chairmen that if they want a committee to be televised, they should get it in the Amethyst Room. If they do not want it televised and they would like it to be broadcast or for audio to go throughout the complex, they should schedule rooms 1 and 228.

I mentioned our News Digest. We play Dateline Ontario just through an arrangement with the CBC every week. I am trying to get the CTV Question Period. They are agreeable to give us the Question Period, but they want pay for it. I am worried that if I start paying one station and not paying another, the thing could snowball, so I am still trying to explain to them they can only benefit by letting us have it for free.

Mr. R. F. Johnston: Tell them that Dateline is cancelled.

Mr. Somerville: I return the Dateline the week after, when we get another week, and I do the same with Question Period. If there are any other programs the members would like me to play on the in-house system, if you think there is a good--

Mr. R. F. Johnston: Yes, Minister would be a good one.

Mr. Somerville: We had Yes, Minister, and we had to remove it. The BBC took it off the system. They would not even sell it, at any cost.

Mr. R. F. Johnston: How about Fawltly Towers? It is similar.

Mr. Somerville: Going on to page 8, possibly the most important page in my time with you, as you know, the budget was supposed to be submitted to the Board of Internal Economy. On the day they met, I think I was the last in order of presentation and they did not get to me, so it has been postponed. I have asked for an increase in the budget over previous years.

Of the items I list here, 1, 2, 3, the main one, I think, is the Sunday afternoon rebroadcast. I would like to package the first hour and a half of the Monday to Thursday parliamentary sitting into six hours and play that back nonstop on a Sunday starting at 12 noon until six. I have been canvassing and a lot of people think it would be a good time of day. If we really promoted it and got to the audience, it would be something to do other than Sunday shopping or whatever. You could stay home and watch television.

Also, in association with this, is to increase the closed captioning to the first half hour of the day before question period. At the moment, we only closed-caption question period. I would like to do the half hour before question period. Some people have suggested there is too much emphasis placed on question period, so if we televise in closed-caption mode, it would be an improvement on our service.

The last item: I have asked for funds to replace the audio system in an additional committee room. We have funds in this year's budget to replace the audio system in the Amethyst Room, which we are working on at the moment, and we will hopefully get into replacing it as soon as we have a recess or a break from using that room.

I am looking for guidance on which room you would like the audio improved on. I know we have some preference. We would like it to be one of the larger committee rooms, but that is about it. We are looking at also including interpretation facilities. When we do another update, it would include an input for interpretation.

The items below the next paragraph are items that are out for discussion, again, the first one being the promotional strategy. As I say, I think we have got the channel switchers and the people who are interested in politics. I would like to go after the rest of the audience.

I have some samples here of what other parliaments do. This is a brochure from Quebec, another brochure from Quebec, one from Ottawa, one from C-Span that televises Congress and the Senate, another Ottawa one, and a fairly large brochure on Capitol Hill in Washington. C-Span does a brochure that it sends to the cable companies and educators who want to get involved in television, and it has all these items. Depending on your need, they would package this if a school board wrote to them, or a schoolteacher, or a professor. We would fill these slots with the appropriate material.

Every three months they send out this affiliate news, which would be telling the cable companies in our place what we were hoping to do. From my point of view, I would tell the special broadcasts and the parliamentary sitting and the dates we would be here.

Another item on that: a criticism we have had is that we do not have any identity. People call us ONT/PARL and call us Legislative Assembly. I would like to try and get us an identity in the near future. I have some sort of artwork I have had done for a logo. This is the centrepiece of the building, the chamber, really, sitting on ONT/PARL, which is the technical name we are known by to the Canadian Radio-television and Telecommunications Commission. Our licence comes under ONT/PARL and we are putting in "réseau" and "network" to make it more official.

That is just one idea. I have other ideas. That is another more 21st century idea. These would be colour, and they would be animated, similar to the CBC logo and TVOntario, other broadcasters. I think you have to bear in mind that we are in competition with these broadcasters. You may not think so, but if you want viewers, we have to compete and we have to tell them we are there.

That is another more colourful example. Again, think of the television format. These are the test bars in the ONT/PARL; we slide from that or vice-versa; ONT/PARL would come in and push the bars out.

We have been asked by the cable companies to do this. We have two brochures in keeping with the Quebec and the federal House one. These are just artists' suggestions. We never got to present these to the last Board of Internal Economy meeting. This would be an idea for a poster--all these are ideas to be debated--to be given out to school boards, the liquor control board, anywhere the public turns up. We would be showing that ONT/PARL is on the network, and the dialogue would be: "Tune in to your local cable company. For further information, contact the broadcast and recording service."

1110

The last item is just a brochure, like the C-Span thing, something we would give away or, as one idea, put in the promotional package to members, to give these to members and the members would give them. When you get a request

from a school board or from a cable company, you would give out this package. Again, following in the promotional package, the programming, viewership, coverage, ONT/PARL, the guidelines, how parliament is run--these would all be pullout packages. I would like you to assist me in developing and designing this package so that we could communicate with the viewers we do not have at the moment, people who do not channel-switch, who have not come across us by accident.

Going on to item 2, the purchase of a satellite dish, all the technical specifications have been done and everything has been budgeted. The idea is to put it on the roof of the north wing, which would be enough in that the roof of the building is six to seven feet below the parapet and the dish could sit in there nicely without being seen from the street.

The idea is that we do not have a technical check on service. We rely on Rogers to keep us informed. If you look at the control room, there is a monitor there that has a satellite feed on it. That is the feed from Rogers Cable. From November to March, it has broken down 53 times on us. What happens is a panic phone call comes in. We think we are off the air, but fortunately we have not been off the air, Rogers has been off the air. I would like to see us getting our own downlink so that we can watch our own satellite service to know that it is working and the quality is there and we are delivering what we are supposed to deliver.

Also, for very little extra cost, I would like to put a steerable dish beside it. This is looking into the future and things that may come up, like watching C-Span, which is the American Congress and Senate hearings. We could be watching what is happening there on the free trade talks, for example. It could also be used for downlinks and things like Mr. Sterling mentioned, communications across the province, because you have to go two ways, up and then down. At the moment, we do not have that facility. That was one of the few things that was omitted in the original design. We definitely should have had one satellite downlink so we could check our own service.

We have all the plans and the engineering has been done. It just has to be approved and taken to the board.

Mr. Chairman: How much will it cost?

Mr. Somerville: It is \$40,000. That is everything: purchase of the dish, installation and the wiring back into the control room for two dishes.

An item that definitely should be given a lot of consideration is extension of the in-house service beyond Queen's Park. I mentioned briefly that we extended the service at a very minimal cost into the Queen's Park area, since Rogers does not use these channels. For no extra cost, this service could go throughout all of Toronto.

The only thing is that we have to make a decision whether you would like the public to watch everything that happens in here and listen to all the committees and watch our information channel. If you do not like that, we could scramble the pictures the way they do on pay TV. We would control the scramblers and we would issue them to offices that are offsite, like freedom of information, for one example, the people up in Downsview, the auditor. They would have a descrambler in their office and then they could see our channels.

This is for very little cost again. You have to make a decision whether you would like the public to have access to our in-house system. If not, then

there would be some small cost involved to scramble it and descramble it, but I think most definitely it is something for consideration.

On the purchase of a portable audio system, at the moment we have two chaps in Ottawa recording the committee on Meech Lake. We had to rent all the facilities. This is the fourth time we have rented them this month, and I think it would be a good decision to purchase our own system.

The hot item, item 5 there, is the development of alternate desks and seating arrangements in the committees. It has much delayed our installation of a new audio facility in the Amethyst Room that we are trying to see if there is another seating plan that we could come up with. I have written to the Clerk asking him if he would consider it and to raise the issue. The Clerk is at the moment deciding who should bring this issue to the forefront. He suggested probably a committee of chairmen of committees who would get together and make a decision.

We have got lots of examples of members on camera and off camera commenting about the poor setup of the room. They do not like sitting behind each other. It is very difficult. It is easy to televise, but it is really difficult for a viewer to understand that Mr. Johnston is talking to Mr. Johnson and he is sitting behind him and they do not have eye contact. If you turn around to make eye contact, you are off mike.

The perfect arrangement is for us to make a committee setup similar to that of other committees where you have a V-shape, a U-shape or some such format where witnesses would come and make presentations.

Mr. Chairman: Members of this committee, Mr. Somerville, saw a good example of that when we were in Sacramento.

Mr. Somerville: Yes. I would like somebody to make a decision on that before we purchase an audio system for the Amethyst Room because that would have to be designed into a new seating plan to make sure it was flexible and could work.

I apologize for taking so much time.

Mr. Chairman: Are you almost finished now?

Mr. Somerville: I have two more items here. After talking about changing desks, I have long-terms plans to televise other committee meetings and plans for the future.

I just came back from Washington, as I stated earlier, and the members use a lot of prerecorded items developed by their broadcast and recording service in an area like the media studio. For members who are not from Toronto and who would like to send a message back home, I think you may want to consider whether the broadcast and recording service should provide a facility like this which would be available to members. They could come in and do a recording, put it on the satellite and get that information out to the regions.

Mr. Chairman: I am not sure we do our constituents a favour by sending them that message back home anyway.

Mr. Somerville: It is a service that is really heavily used in Washington by members who live in remote areas. From Hawaii to Washington is a long distance. The member for Hawaii is their biggest user. He goes in and

does satellite communications twice a week. It may be of interest to members from Sudbury and Ottawa.

Mr. Ballinger: Nobody would watch it. They are all outside in the sunshine.

Mr. Somerville: The last item is a direction from this committee to develop policy and guidelines for use of the unused time on the satellite. I have developed one page of guidelines. I think our policy is well known. I have that here if you would like to view it. That is it. We have new programming in the works, but I will show you that the next time we meet.

Mr. Chairman: Thank you very much for the very comprehensive report, Mr. Somerville. I have two names of people who may want to ask some questions. One is Mr. Polsinelli. I know you had one question answered earlier. I thought you might have some others. The second is Mr. Johnston, who may have some.

Mr. Polsinelli: I asked earlier, with respect to closed captions for the hearing impaired, whether that was done simultaneously or whether it was put on at a later date and you indicated that it could be done simultaneously. Could it be done simultaneously with live transmissions from the House and what would be the cost involve?

Mr. Somerville: At the moment, we pay \$750 an hour. Technically, it can be done. We just have to have skilled stenographers who can do it and then we have to keep a continuous check on the quality to see that the information is what the members like and that it is true to what is happening on the floor. I think once you get into it people get more experience. It is like interpretation. It is difficult at first and then you get to know the terminology, the jargon and the voice, and the quality of closed captioning improves.

Mr. Polsinelli: I notice that in the Ottawa system they have--what do they call those down there?

Mr. Somerville: The keypads? Oh, the signing. Yes.

Mr. Polsinelli: Is that less expensive or more expensive?

Mr. Somerville: I think it probably works out at about the same cost, but it may be less expensive if you are going short term, one hour per day. If you hope to expand the service, it is definitely more expensive because a person cannot sign for more than about 20 minutes, whereas once you get into the transcribing and closed captioning--

We are investigating. We are doing a test on the next opening of the session. We are bringing in stenographers who will go straight on to computer off the television, and that is a form of closed captioning. Closed captioning is done from a keypad right on to a computer and then the computer regenerates the words you see here. We are moving to get closer to real time.

1120

Mr. Polsinelli: Mr. Somerville, if we did implement that, in terms of closed captioning for the hearing impaired, how would that tie into our Hansard system? Would that effectively reduce the cost? I do not know whether you have noticed, but would it reduce the cost for producing Hansard in the Legislative Assembly?

Mr. Somerville: Hopefully, the same service will be compatible. The person who is keypadding for the closed captioning could also be inputting for the Hansard service.

Mr. Polsinelli: Exactly. So, effectively, it may end up costing less than \$750 an hour. If the two systems are compatible, they could be tied in together.

Mr. Somerville: There would be some saving, but it is a question of finding competent people to do the job. It is a very taxing and difficult job. I do not know if you read about CTV and the Olympics. They tried to have closed captioning. They hired four people and trained them. It did not work. They could not deliver. They are having incredible problems in the United States trying to do closed captioning.

Mr. Polisinelli: Live.

Mr. Somerville: Yes. Simultaneous. The fact is that you get so many people viewing it, and if they are hearing they can check that it is not right or you have missed a word or have missed the emphasis. It is a very difficult task. It is like putting out Hansard, the printed Hansard, without editing. We are moving in that direction.

Mr. Polsinelli: Mr. Chairman, I am fascinated by this idea and I think anything we could do to facilitate the viewing of the program by those who are aurally impaired, visually impaired or whatever should be done. I would appreciate it if Mr. Somerville would come back to this committee at a later point perhaps with some more information in this regard and we can make a determination whether it should be something we could proceed with at a later point.

Mr. Somerville: By the end of April, we will have some specific test that we are doing during the April sitting, going straight into a computer by keypadding. We will know how accurate it is and how good the people are.

Mr. Chairman: OK. I have a number of other questions, but what I would like to do this morning, too, is have Linda Morris on as the manager of parliamentary public relations. She, unfortunately, cannot be with us this afternoon but she can be with us this morning. If we can get these questions dealt with, then we can have her make her presentation and answer questions of yours very shortly.

Mr. R. F. Johnston: Mr. Chairman, I suggest that if Linda is only here for the morning and if she cannot come back, maybe we should defer our questions to the afternoon. My real starting point was actually going to be a point of order in terms of knowing what we are going to try to accomplish. Are we just going to get clarification on some of these matters or are we going to try to deal with some of the requests that are being brought forward? How do you see that going? That was my first presumption, but as it is already around 11:30 a.m., it might be wise for us to come back to Bill this afternoon and go over some of our questions at that point. We will let Linda get on the record now about the--

Mr. Chairman: I think that is a good suggestion. Mr. Somerville, you can come back this afternoon. There is no problem. We could then hear Linda Morris finish up some time shortly after 12 noon, if it takes that long, and then come back this afternoon and deal with some of the recommendations and with the committee advertising. I do not think the committee advertising will

take so long but maybe we could do it in that order, unless there are objections.

OK. Thank you, Mr. Somerville. We will start with Linda Morris. Do you want to make your presentation Linda?

SIMULTANEOUS INTERPRETATION

Ms. Morris: Sure. Good morning. I just have a few things to run through. I want to thank you all for having me here and to give you an update. I also want to take this opportunity to thank Bill. Looking at that video and seeing some of our projects on the screen is quite exciting, especially Setting Fires and Simcoe to Satellite.

I am here to talk a little bit about simultaneous interpretation, where we are now and maybe some of the directions we may be going to. I would like, as well, some feedback from you on where you would like to see simultaneous interpretation go from here.

Basically, things are not dramatically changed since the last time I spoke to the committee; that is, we have four full-time people servicing the chamber and the Amethyst Room, including Stephen Capaldo, who is back there. He is our chief interpreter. When we are not busy in the chamber, we provide service to the Amethyst Room, and when we are busy in the chamber, we bring in freelancers. This saves us quite a bit of money. Instead of having seven full-time people and, in that case, sometimes people with nothing to do, we decided to go with only four and bring in the freelancers as we need them. It seems to be working out quite well.

The facility's designs are great. We are finding the chamber booth quite good. Lately, we are experiencing some problems with the Amethyst Room, and Bill Somerville has touched on that. The sound system is not that great and it is hard on our interpreters. We are having to jack up the sound so loud that we are getting a hiss. When you get a hiss, if someone coughs or whatever, it is pretty hard on the interpreter's eardrums, to say the least. Also, you want to keep the sound level as low as possible for interpretation so that it is not interrupting your stream of thought as you are putting it out in the other language.

We have met with Bill's area. I think there is a filter and something called an audio gain being put on the system to see if that improves it, but to be quite honest with you, it is an older system and it is really lacking in terms of our interpretation service. The booth itself is great. Having television in the booth, seeing you, helps us a lot, especially in the Amethyst Room, where sometimes we are seeing backs. Having the camera on your faces adds to the interpretation quality.

We have worked with the Secretary of State to provide appraisals of our group, so we are maintaining quality control. Now that we have Stephen on board, he will be doing the appraisals on an ongoing basis and we will arrange for an appraisal of Stephen as well, so he can keep up with his own work.

We also have put together training programs for our people. Twice we have gone to Ottawa for refresher courses, free of charge, from the Secretary of State. We have arranged for our group to go out to other ministries to pick up on vocabulary, such as the Ministry of Revenue. We went out there and had a day on the whole technical aspect of revenue.

One direction that we are moving in now is to try to be more of a linguistic service for the assembly. I think in the next couple of months we will have a short lexicon for the assembly on our terminology. We are at the final proofing stage now and it should go to the printers in April. What we hope is that after that we will get some feedback from all of you and the assembly staff on new terminology which you would like to see go in it. We will print it on an ongoing basis.

We have also received approval from the Board of Internal Economy to hire a contract written translator. First of all, this person will act in support of the assembly, to do some quality control on the out-of-house translation that is going on. I think we have a good service, but no one is proofing it, so if you do not speak French and you send out something to this service, we hope that it is coming back correctly. I assume that the agency that we had a competitive bid on is good, but from time to time things do slip through, so we want someone to do quality spot checks for the assembly.

Second, we need someone who can support Bill's area, my area and other areas that may require that quick translation of two sentences or something like that. Finally, we need someone who can provide some terminology support to our group. It is very important to our interpreters that we keep up with terminology, that we keep in touch with the various areas that may be producing materials so that we can have whatever wording we need at our disposal.

One of the issues that was very important to this board is what our interpreters do when they are not interpreting. One of the things they have been doing is putting together a lexicon. Every morning, of course, they have to come in, scan the papers, look for topics that may be discussed in the House so that they can be up to date on terminology.

We have also been on loan to other ministries. We cannot do it that often, because we have to be available to you, but when it does fit into our schedule, we have gone out and worked in other ministries in the last year, probably about eight to 10 times. We have probably had to turn down another 10 opportunities because we were busy, but we are looking for those kinds of opportunities as well. It is good for us. It keeps our hand in and it is a goodwill gesture. We have the skills here and we are free. Why not lend them out?

We have also worked with other ministries in setting up interpretation. Stephen and I now work with a Ministry of Government Services committee. MGS is looking at putting a temporary, portable booth into the Macdonald Block and we have been assisting with the work there in terms of putting together a report. I recently attended a meeting with people from the Ministry of Energy because they were looking at interpretation services for large conferences---a small hydro conference, I think, in July---and they wanted the kind of information that we might have on hand on costs and what is involved.

That is where we stand. I think the feedback has been very positive. We are a young group. It has been almost two years, and I think we have become quite seasoned. I think the interpreters know now really how to deliver the services to you. I must say honestly that I have not had one phone call or letter of complaint; so I think that speaks very well for our interpreters and the job that they are doing.

I guess the next issue for all of you to consider is, where do we go from here? The French Language Services Act comes into full play in about two

years. It talks about public hearings and the need for interpretation services, both here in Toronto, because this is a designated area, and outside of Toronto. If a committee travels into a designated area, it should be offering the service as well.

1130

My chief concern, obviously, is here at Queen's Park. I am looking to you now as to which way you would like to see us go in terms of the other committee rooms, in terms of how you would like to offer service to the French-speaking public. Certainly, the Amethyst Room and the chamber worked out extremely well in terms of facilities and in terms of service.

That is where we stand. If you have any questions on what we have done or if you would like to discuss the French Language Services Act and the various committee rooms, I do have some information on costs and such.

Mr. Chairman: Thank you very much, Linda. Yes, Mr. Sterling?

Mr. Sterling: You said that you were working for some ministries and that kind of thing. Are they compensating the Legislative Assembly?

Ms. Morris: Yes. It is a chargeback basis.

Mr. Sterling: What is the total cost of this operation?

Ms. Morris: It depends on which year. I will have to pull out my facts. In terms of salaries, for the next fiscal year we are projecting \$287,000. That is seven positions but only four, of course, are full-time; the others are freelance. We have found that we are basically only paying five salaries. We are saving two salaries at this point by using the freelancers.

Mr. Sterling: How much have you recouped from the government?

Ms. Morris: We are charging \$175 a day. I do not have the figures here, but it basically recovers what the salary would be for our interpreters. If there is any travel or anything like that, the ministry pays. So we are not losing any money and we are gaining experience for our interpreters.

Mr. Sterling: Does the \$287,000 cover all of the costs of this operation?

Ms. Morris: No, that is just salaries. For the bottom line next year, we are looking at about \$442,000. That includes benefits, salaries, listening devices and then office equipment.

Mr. Sterling: How much was it last year?

Ms. Morris: About \$350,000.

Mr. Sterling: So you are going up by 25 per cent?

Ms. Morris: Yes, because of the freelancers. But this should be static after that, providing we do not increase in terms of our service level to other rooms.

Mr. Sterling: That is quite an increase.

Ms. Morris: Yes, because we have needed equipment, for instance. The basic increase there is that we are adding a written translator at about \$47,000 with benefits, so there is a fair chunk of that increase right there, plus a terminal for that person. So the major increase there is not going towards--

Mr. Sterling: Why do we need a written translator?

Ms. Morris: To provide monitoring of the translation services that now exist. We have a contract with an outside agency. We would like, first, to provide a monitoring of that. Second, we want to provide more terminology support to the unit and we also want to provide some in-house translation services for the little bits and pieces that get done and really cannot go out to a translation service, such as Mr. Somerville's area. We would really like to be able to audit that more closely, so that, for instance, the French information channel would be more effective.

We would like to make sure that all the scrolling is done in a better way, that we can provide support, for instance, to certain areas that are moving ahead. It is a contract position so we hope that, by the time the two years are up and we are in full force for French-language services, they could be phased out because there will be more staff speaking French in the assembly.

Mr. Sterling: You have four full-time at this time.

Ms. Morris: Right.

Mr. Sterling: Of those people, how many working days are they actually translating in a year?

Ms. Morris: I will have to look at my figures on that one. When the chamber sits, they are basically busy throughout the week, four days a week and when the chamber is not sitting, then they proceed to the committee rooms. When both are going on we bring in a freelancer, so I would have to come back to you with the exact figures on how many hours, but they are basically fully occupied, between that and the backup support work that needs to be done, research, terminology work, those kinds of things. I will take note and I can get back to you on the exact hours.

Mr. Sterling: When was this first implemented?

Ms. Morris: October 14, two years ago, the same day that broadcast came on full force, as well.

Mr. Sterling: October 14, 1986?

Ms. Morris: Yes.

Mr. Sterling: So we are going to go up by 25 per cent in costs this next year?

Ms. Morris: Yes.

Mr. Sterling: Is it going to stop there, or are you going to ask for another 25 per cent next year?

Ms. Morris: No, it should be flat line, unless you decide to increase the service in the other committee rooms. But bear in mind that we

are not spending all that money, because we are saving the two salaries by not going full complement, in going freelance. So although the budget says \$442,000, we are not spending all of that. We are keeping our options open in terms of our flexibility for the Amethyst Room.

Mr. R. F. Johnston: The first question is to you, Mr. Chairman. Do we have the backup information on ourselves as yet about the effects on changing rooms like this to simultaneous translation, or do you have other information on that?

Ms. Morris: We have a study.

Mr. R. F. Johnston: You have some information on that? Are you talking about a portable unit or something of that nature?

Mr. Chairman: No.

Mr. R. F. Johnston: My experience of portable units in committee rooms is horrendous. At some point or other we will face the requirement under Bill 8 to have hearings available in designated areas--this being one of them--in both languages. I do not think having portable units in the back is adequate; there is sound leakage from them which is annoying to people sitting in the audience, and they take up room if you are having a lot of deputants in. My experience with them in the past has been better than not having anything, but certainly has not been the kind of quality of service that we would expect.

With the comments here that there had to be physical changes, pretty major physical changes to these rooms affecting 228 and 230, I was just wondering if those were done with the woodwork in proportion and that kind of thing. I wonder, can we as a committee have a look at that kind of thing, because the implication, in terms of using that space or other spaces you are suggesting in the notes, is that you would need a lot more material before we can make any recommendations on that.

Ms. Morris: I could get back to you on exact figures but I do not have quotes on those rooms. When I worked with the Ministry of Government Services on the Macdonald Block we had pulled together some statistics on what things would cost. A portable unit, which the ministry is considering for the Macdonald Block so it can move it around, is about \$37,000 to purchase, including the equipment. We could check it, of course, as we have people to do that, but that is what you are looking at. Whereas, to put in a permanent booth, which would not be as complicated in the Macdonald Block because it is pretty austere over there, there is no woodwork, would be about \$40,000. So I assume it was looking at minimums of that.

The only question--we were discussing this today--is what are you going to do with all of the rooms, because it does take up a bit of space to put them in. I would assume we would have to go part and parcel with some discussion of committee rooms in general. That is a ball-park figure. The minimum would be at least \$40,000, if not more, depending on the complexity of the space, the woodwork and those kinds of things.

Mr. Chairman: One of the problems, as you know, Mr. Johnston, is that we are looking at the restoration of the building. We would have to take that into consideration, and whether we should do something on the short term and prepare a room for this or whether we should just wait a little while. It is an important decision. The more information we get on it the better.

Mr. R. F. Johnston: Exactly. It seems to me we have to make a decision whether we do something on the short term with a portable thing that can be used, and whether that will actually meet the demands under Bill 8 or not is another question. It seems to me, under the whole renovations question, there is the previous deputation concerns about the sound system in each of these rooms, and the way the rooms are organized in general has to be taken into account at the same time.

You cannot do these things in isolation. We really do need that kind of information if we are going to make decisions on it, but Bill 8 is supposed to come into effect in two years' time. Given the way things operate around here in terms of things getting done, that means this committee's recommendations will have to go forward this year some time, clearly, so that can be accommodated, although at this time I doubt if we can make any practical decisions. We really need to know what all the factors are, and try and get as much information on all the ramifications of putting in permanent interpretation facilities and/or the portable ones so we can make some recommendation on it.

Ms. Morris: There is also the staff consideration that for every committee room you are probably looking at at least two interpreters and a bit, through rotation. So you have to consider that by the time we get to that we are probably looking at another \$50,000 per person to be able to come in and interpret.

Mr. Chairman: Fifty thousand per person?

Ms. Morris: The salaries now are around \$40,000-ish, and then with benefits you are probably looking at another \$7,000. So by the time you get to next year and hiring--that is if you have permanent people.

Mr. Chairman: Yes.

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Ms. Morris: The freelancers themselves earn about \$400 a day for a full day.

Mr. Reycraft: Will the provisions of Bill 8 require that all committee rooms have French-language services available?

Mr. R. F. Johnston: Specifically what it says is that public hearings must be available and conducted with interpretation solely. So if you had public hearings on in a break, and you had deputations happening in the Amethyst Room and in here, and a French group said that it wanted to be able to have interpretations for these hearings in this room then we would not be fulfilling the mandate of Bill 8, as I understand it. Clearly, it would not necessarily mean that every room would have to have the facilities to be able to accommodate that if you organized the hearings appropriately.

But I am not sure, and it would be interesting to hear from Mr. Somerville maybe this afternoon, about what would be preliminary now in terms of the implications for broadcasts, because we are making available information out of this place in one language and say that the feed to the rest of Toronto and all the committee work that we are doing, then what is the obligation to do so in French as well. I do not know.

Mr. Chairman: As a point of information, in the past we have

apparently done it on request. If people have requested this additional service, then they have received it.

Ms. Morris: In terms of the French Language Services Act, it is my understanding that if the service is being offered province-wide, whether that be a brochure, an audio-visual or whatever, there is the expectation that it should be bilingual. So if you were going to choose to broadcast another committee and it was going province-wide, then that would have to be a goal as well, as you are doing now with the Amethyst Room or the chamber.

Mr. Reyecraft: In the two responses I have had there is some difference, because if what Ms. Morris is saying is true, then it would appear to me that we are going to have services available in all committee rooms.

Ms. Morris: Only if you are broadcasting, if you are making them a public event across the province; otherwise if you are doing them in-house here, you might want to have a portable and move it around or have one room with another set of equipment so that you can bring that committee room into here.

Mr. Reyecraft: Then if we chose not to broadcast, it is theoretically possible, unlikely but possible, that we could meet the requirements of Bill 8 with what we already have in the Amethyst Room by scheduling.

Ms. Morris: Through scheduling.

Mr. R. F. Johnston: In terms of the broadcast portion of it but, again, the same problem would apply if we had hearings taking place in the Amethyst Room and we had hearings here. The right to be able to receive interpretation for anybody from the public who would arrive is there under Bill 8. So in terms of what is happening, in terms of public meetings here, public audiences of some sort, then I think we have that obligation. It seems to me it would be very difficult to organize that with just one committee room for the future, but we may not have all the committee rooms function. It is that kind of stuff we have to get some idea about.

If you look at this break that we have had now, and the number of committees that have been sitting here, and the number of deputations that have been brought forward, if Bill 8 were in place, if you were just to take that I think we would see that we would probably need to have probably three of the committee rooms ready for interpretation services with permanent or temporary facilities, but with something there. Then there are the ones that are travelling, and I know that the select committee on education decided that when we go to certain obviously bilingual areas at this point, or high francophone populations at this point, we intend to have those kinds of facilities available, as we have done, as the chairman says, in the past on an ad hoc basis.

My sense about this is that we really do need to examine what the implications are very specifically and try to come up with some recommendations within the context of restoration, within the context of refurbishing the building for broadcast and in terms of Bill 8 and its requirements. We probably need to compile that information and then meet again on it.

Ms. Morris: It is certainly becoming a standard in the Ontario government that increasingly committees of any kind, boards, commissions are going towards simultaneous interpretation.

Mr. Reycraft: Have there been requests from groups or individuals during this current break to make presentations in French that have not been met because of the inability to schedule them into the Amethyst Room?

Ms. Morris: I have not heard of any.

Mr. Reycraft: I am not aware of any.

Ms. Morris: Luckily, the select committee on constitutional reform has been in the Amethyst Room and we have had presentations in French. That has worked out quite well, but I would not honestly know.

Mr. Reycraft: Certainly the agreement that was made by the House leaders was that whenever a group wanted to make a presentation in French, then that committee should be given priority for the Amethyst Room.

Mr. R. F. Johnston: The difference with Bill 8 is that, as I understand it--I may be wrong in this; this is the kind of thing we need interpretation on--a member of the public coming into this committee in two years' time, when the act is in place, will be able to request access to whatever it is we are saying in French. It is not just a group requesting to be able to make a presentation in French, but somebody coming into the building wanting to hear that information in French would have the right to that translation service too. Am I right or wrong about that?

Ms. Morris: Yes. One thing I was going to suggest is, as I am the French-language co-ordinator for the assembly, I could go to l'office des affaires francophones and get a ruling on it so that it is very clear, but it is my understanding that in two years, if it is a public hearing, a member of the public will have the right to request to hear whatever is going on in the language of his choice. Certainly, I could get some additional feedback for you.

Mr. Polsinelli: Does that apply only to the Legislature or also to the local councils?

Ms. Morris: I am not sure. I would have to get out the act. It certainly refers to the Legislature. We were very clearly indicated in the act.

Mr. R. F. Johnston: The provincial responsibility is clear. I think it is less clear that a local council or school board has that kind of responsibility. In fact, I think in the eastern part of the province, when that was a major debate before and during the election, the ruling was that those councils were not required to do so. Certainly, here we are, and each of the caucuses has been asked to think about the implications of Bill 8 for their operations as well, as you know. I think we really need to accumulate a lot of this information fairly quickly so that we can make some decisions or recommendations on it.

Mr. Chairman: I think you are right. We have to get the clerk to get as much information as possible so that the committee can develop a more reasoned approach to the whole matter. The clerk has taken note of that. Maybe we can put that on the agenda some time in the future. Mr. Faubert has some questions.

Mr. Faubert: I just have two brief questions. The first one arises out of Mr. Sterling's question about the budget. I was just wondering, was there not some kind of a projection of basic staffing and level? Are you now

just coming within it? When you set up your division or department, you probably ended up with an initial budget projection. It is not as though it has increased 25 per cent; you are just bringing it up to your original projection.

Ms. Morris: Up to scratch, basically. What we did was project that we would probably need seven positions, and that is what we went with. We worked a half-year. In the hiring process, we hired four people and we decided not to rush ahead and hire the other three and commit ourselves to seven people, not basically sure whether they would all be working full-time. It was an important concept for us that our people not be sessional but be busy at all times. So we hired the four and then we went with an experimental sort of freelance and adjusted ourselves to it. It is not a radical increase. In one sense, we were only bringing ourselves up to full speed. Second, the increase we are seeing this year is for the translator as well. We are basically saving money. Instead of seven full-time positions, we are looking at only four full-time and then basically the salary of one more person in freelance dollars.

Mr. Faubert: My second question relates to services to members. I take it your French-language services are to provide service to individual members. Is that correct? Or is it to members generally?

Ms. Morris: More generally than specifically.

Mr. Faubert: I have had a problem, and it is a personal problem in a sense. A lot of people write to me in French, not only francophones within my riding.

Mr. Ballinger: With a name like Faubert?

Mr. Faubert: Yes. I do not speak French, and I say that with some embarrassment. I am a maudit vendu. What happens is I do not have staff capabilities in French.

Mr. Ballinger: You are really good in half your riding.

Mr. Faubert: I have them in Greek and Italian but not in French. That is another fact of my riding.

I have had some difficulty getting French copy or letters translated into English so that I may then respond and have it translated back to French. Where do we get that service?

Ms. Morris: There are several possibilities. Right now, each of the caucuses is looking into developing a French-language services plan. I cannot speak in great detail about what each caucus is looking for, but I get the impression that each caucus wants to develop in its core an ability to provide those services to the members.

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Second, there is a translation service that you can send out to, but I suggest to you that if it is just a letter, hopefully when our translator comes on, he or she can look at this letter, write a few words at the top and say, "This person is writing to you about that." I know they do it in the translation bureau in the Ontario government as well, because why spend \$100 translating a letter when basically what you need to know is, in three sentences, what the person said to you.

Mr. Faubert: Exactly.

Ms. Morris: We will be able to support you on that and your caucus area will be. I do not know where your caucus plan is yet, but I understand each of the caucuses is probably looking at a communicator, something in word processing and maybe an intermediate person. Hopefully, you will soon have those resources within your own caucus areas as well.

Mr. Faubert: Thank you.

Ms. Morris: But give us a call.

Mr. J. M. Johnson: Linda, maybe I have misunderstood you, but you said you loan your interpreters to other ministries on a cost-recoverable basis.

Ms. Morris: From time to time. It is not that often, to be honest with you.

Mr. J. M. Johnson: Did you say \$175?

Ms. Morris: Yes, because that is basically what a daily salary for one of our interpreters would be.

Mr. J. M. Johnson: Then I did misunderstand. I thought you said, "We pay freelance interpreters \$400 a day."

Ms. Morris: Private industry is \$400 a day, but when we looked at our own salaries and we divided up what it basically cost to employ one of our own interpreters, it came to around \$175. We felt that, to be fair, why charge \$400 when our people are there? It is not quite the same deal.

Mr. J. M. Johnson: We pay our full-time interpreters \$50,000-plus.

Ms. Morris: Well, slightly less than that right now, about \$47,000.

Mr. Chairman: But that includes benefits.

Ms. Morris: That is including benefits. I use the \$50,000 for next year, because--

Mr. J. M. Johnson: Could you provide the committee with your financial budget, so we have some idea of what we are getting back in and what we are paying out and what it is costing?

Ms. Morris: Sure. As I said, though, we have not done it too often because we have not been available. We have been working either in the Amethyst Room or in the chamber.

Mr. J. M. Johnson: Thank you.

Mr. Sterling: In the contract with the interpreters, is it a requirement that they take leave, vacation, during periods of time when the Legislature is not sitting?

Ms. Morris: You mean our full-time people?

Mr. Sterling: Yes.

Ms. Morris: Not really, in the sense that we understand that that is our responsibility and our people are available. It is sort of an unwritten that we will be available when the House is sitting, so we have a tendency to book our holidays in the summertime and that kind of thing.

Mr. Sterling: This has been a long-standing complaint of mine in that our Hansard service does not have that requirement as well. I hope they all read this when it comes through on Hansard, that they are not required to take vacation when the session is not sitting. I think it should be a term of employment with regard to these services, where they are sporadic, because I understand it does not always work out that way with our Hansard service. I do not think it is an onerous part of a term of employment.

Ms. Morris: What we do in our own unit, as I said, is that when the House is sitting, the four of us are on. During the summertime, two interpreters are always available. We always have enough people to man a booth or whatever, if it came to that.

Mr. Chairman: Mr. McClelland, you have a supplementary?

Mr. McClelland: Just a comment in response to Mr. Sterling's concern. I can say with great assurance that an employer has the right under law to designate when employees take their vacation, in any event, and that is something to consider in terms of policy formulation, that that is very clearly a term of any employment contract. So the authority and the right to designate vacation time does exist for any services of the assembly.

Ms. Morris: We have just made it a mutual agreement that if the House is sitting, we are here.

Mr. McClelland: It can be by right, though.

Mr. Chairman: Thank you. Are there any other questions? If not, Ms. Morris, I thank you very much for coming before the committee today--

Ms. Morris: Il n'y a pas de quoi.

Mr. Chairman: --and getting us this information. I am sure Mr. Forsyth will be in touch with you with regard to other information that will be required with regard to the booths and so forth.

Ms. Morris: I just wanted you to see this, in case you had not noticed it. We made the cover of the first French KWIC index that went across the province this year. This is of Brigitte. I do not know who is in this picture; I will have to look to see if any of you are here. The Ministry of Government Services prints this. We are also getting some profile across the province in terms of articles that have appeared in Topical.

Interjection.

Ms. Morris: I do not know. I will have to take another gander at it. You can actually see the booth in the Amythest room as well as Brigitte at work. This is good, I think, for the francophone public to know that we are around and kicking, and that the service is available. Like Mr. Somerville, we want to make sure they know what we are providing. We are kind of pleased about that.

Mr. Chairman: And that is available in paperback cover?

Ms. Morris: Yes, through the government bookstore. Every employee would have this on their desk. So Brigitte is now a star. Thank you.

Mr. Sterling: Before we adjourn, on that particular line, perhaps the clerk could find out for the committee what the policy is in Hansard with regard to leave, whether it is formally stated and what the record is as well. I would like to know, because I think it is related to this kind of service we are talking about.

Mr. Chairman: Thank you. The committee will now be adjourned until two o'clock, at which time we will have Mr. Somerville again with regard to the television broadcast. Then we will go on to the committee advertising.

The committee recessed at 11:56 a.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

TELEVISION IN LEGISLATURE

TUESDAY, MARCH 22, 1988

Afternoon Sitting



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)

Breaugh, Michael J. (Oshawa NDP)

Cordiano, Joseph (Lawrence L)

Faubert, Frank (Scarborough-Ellesmere L)

Johnson, Jack (Wellington PC)

McClelland, Carman (Brampton North L)

Polsinelli, Claudio (Yorkview L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

Swart, Mel (Welland-Thorold NDP)

Substitutions:

Ballinger, William G. (Durham-York L) for Mrs. Sullivan

Johnston, Richard F. (Scarborough West NDP) for Mr. Swart

LeBourdais, Linda (Etobicoke West L) for Mr. Morin

Reycraft, Douglas R. (Middlesex L) for Mr. Cordiano

Clerk: Forsyth, Smirle

Witness:

From the Office of the Assembly:

Somerville, Bill, Acting Director, Information Services Branch; Manager,
Broadcast and Recording Service

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Tuesday, March 22, 1988

The committee resumed at 2:14 p.m. in committee room 1.

TELEVISION IN LEGISLATURE
(continued)

Mr. Chairman: I call the committee meeting to order. We have with us Mr. Somerville. We were discussing earlier this morning the television broadcast service review, and some of you had questions regarding that before we heard Ms. Morris with regard to the interpretation review. I think the last person I heard from was Mr. Johnston.

Mr. R. F. Johnston: I was just asking, as you remember, a point of order at that stage.

Mr. Chairman: Do you have some other questions of Mr. Somerville?

Mr. R. F. Johnston: Yes.

Mr. Chairman: Do you want to finish then? Then we will go on to Mrs. LeBourdais.

Mr. R. F. Johnston: Just turning to page 8, The Future, I figure that is what we should concentrate on as much as possible in the short time this afternoon. When we talk about an additional half hour of House business being closed-captioned, are we talking about ministers' statements and private members' statements?

Mr. Somerville: Yes. From the prayers to the beginning of question period: members' statements, ministers' statements and responses.

Mr. R. F. Johnston: I was not sure if understood that this would then be part of what TVOntario would be broadcasting or whether this would still be left off the TVO broadcast.

Mr. Somerville: Unfortunately, it would be left off. I have asked TVO if they would cover 90 minutes of each day, and they rejected that idea, saying it would put their federal playback too late into the morning. They are going to stick with just covering question period.

Mr. Chairman: Excuse me, Mr. Somerville. It is a little difficult to hear you. Do you want to speak up a little? Either I am hard of hearing or--

Mr. R. F. Johnston: It is a problem with the audio system.

Mr. Somerville: I tend to mumble.

Mr. R. F. Johnston: That answers my next question. Is this the committee room that we should replace the audio system in?

Mr. Somerville: One of them.

Mr. R. F. Johnston: It strikes me that when we come to that, one of the major considerations should be the size of the rooms, in terms of the next ones to come to. I guess this and the one directly below us are the two larger rooms.

Mr. Somerville: Yes.

Mr. R. F. Johnston: I could not remember if you had a cost factor on the repeat on the Sundays.

Mr. Somerville: The cost would be just hiring another technician to work on a Sunday. At the moment, we are looking into a freelance person, so it would be eight hours at \$22 an hour. Everything else is already paid for, the satellite time and the facilities in the building. We are looking at one freelance person for every Sunday that the House is sitting.

Mr. R. F. Johnston: And the promotional strategy you refer to is the one that is appended to your report?

Mr. Somerville: Yes.

Mr. R. F. Johnston: What was the cost on the portable audio system?

Mr. Somerville: It was \$28,000, but I believe that has been modified. I think it is going upwards of that now, based on the experience we have had in the last four outings, the two today in Ottawa and the one in London. I would say \$40,000 is closer to an accurate figure.

Mr. R. F. Johnston: I wondered if, at some point as we go through this, some of you who were on the American tour could tell us a bit about different seating arrangements in some other places you have been, so that we can get an idea of how to deal with what Mr. Somerville has raised.

I guess I have some concerns about 7, the use of the media studio. You have used the example of the Hawaiian senator, etc., and I guess I would really want to be sure that we had some very tough guidelines on how that was used, given the limited resources that are there. I wondered what changes to the media studio you presume would be required to make full use of that for those other purposes.

Mr. Somerville: If we use the American example, they had a set that the members sat in front of, with the building in the background. You have probably all seen it 100 times on television without really recognizing what it was. One of them is very similar in size to the media studio, so it is a matter of pulling the drapes back and having a more casual arrangement rather than the one sitting in front of the drapes, so it looks different from a normal press conference.

I agree with you about the guidelines for use. The message that could be transmitted over the satellite would have to be quite carefully drafted. I asked them what their guidelines are, and they are going to try to send them up to me. None came to mind--they had had no complaints in the previous two years. The person I was speaking to had been there for two years and he had not had one complaint about the use or abuse of this facility.

Definitely one thing he said was that no political messages are broadcast. I asked, "What do you consider political?" and he said that a member would normally come from the floor, explain a new piece of legislation

that had been passed or was pending and give his point of view on it. He did not consider that political; that was information going out. That is what it was mainly used for.

Mr. R. F. Johnston: The last question is on the extension of the in-house service. As I understood what you were saying, presently certain buildings in the downtown core of Toronto have access to things like the audio from this committee that is on right at the moment.

Mr. Somerville: Yes.

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Mr. R. F. Johnston: You said there has not been much takeup on that, but that it is because of lack of promotion.

Mr. Somerville: That is right. I must assume it is lack of promotion. It is very difficult to get the message out. We really switched the audio on beginning in January for the two extra weeks when we came back; January and February. I intend to send letters to all the members, ministers and aides saying, "You can listen to this when the House starts again."

On my promotional thing, and you are the witness to it, there is so much paper flying over the desk, how do I make my memo stand out from everyone else's? The Rogers coverage really depends on the building and the people who occupied the building before, whether a Rogers feed was dropped into that building. Generally, as a rule, you could say that all the buildings north of College Street, south of Wellesley and over to Bay street are covered by Rogers. If there happens to be a feed on that floor, it is because somebody requested it before. I believe all the ministries have now tuned in and made requests to Rogers to supply them with feed.

Mr. R. F. Johnston: I gather this is something which could be made available to any Rogers subscriber in Metro Toronto.

Mr. Somerville: Technically, Rogers has what it calls a head end in the Macdonald Block and we supply the nine channels we produce here to that head end. Then Rogers, from there, distributes it in that area, north of College, Bay and this building. But they could just as easily send that down to their distribution centre and then distribute it throughout Toronto.

Mr. R. F. Johnston: Do I understand that they are willing to do that and the question is that we have to decide whether we want it to go out in that way, whether we want to scramble part of it or whatever?

Mr. Somerville: Yes, they were willing. In the initial discussions they said, "We could do this if you desire it." That is a year ago. They may have thought differently. I think I should mention the time. That was when they were talking about this all-news network and Rogers was one of the applicants. They were very amenable to our suggestions and giving things free at that time. It may have changed.

Mr. R. F. Johnston: More as a last point of order to you, Mr. Chairman, I have just done a sort of survey of the questions that came into my mind following the presentation. I presume other members will get a chance to do the same kind of thing. How were you planning on our proceeding through the recommendations that Mr. Somerville has brought to us?

Mr. Chairman: I think, Mr. Johnston, that what we should try to do is go through them one by one very quickly. If we cannot do that, we are going to have to reserve it, get the clerk to make up a list of some of the points Mr. Somerville has given to us to attend to and then deal with them at another meeting.

Mr. R. F. Johnston: Can I suggest that maybe we allow members to ask whatever came out of the presentation and then find out what we have consensus on and which ones we either want to discuss more or want more information on. Then we could maybe make some decisions today and hold other things over, as you were saying.

Mr. Chairman: We can do that. If the members are in agreement with that approach, we can make a list of the ones that are outstanding and deal with them at a subsequent meeting. On the ones where there is consensus today, we can put them in a report.

Are you finished, Mr. Johnston, with the questions?

Mr. R. F. Johnston: Yes, I am.

Mr. Chairman: Mrs. LeBourdais and then Mr. Faubert, Mr. Reycraft, Mr. Johnson and Mr. Sterling. That is the list left over from this morning. Mr. Sterling, I will add you.

Mrs. LeBourdais: Mr. Somerville, I have been hearing a lot lately about computer virus. I am just wondering if our system would have an occasion where some aggressive but somewhat misguided individual could put a bug into the system. Is there any way that can happen? If it did happen, how can it be corrected? Has that been looked at? It apparently is a growing phenomenon, particularly in the United States, and probably here, that is costing hundreds of thousands of dollars and time as well.

Mr. Somerville: I do not think it could be done. I am not up to what you really mean by a virus. The only real computer we have is the one you see that programs the information channel. If someone would like to get in and distort that and put misinformation in, then we could be caught on that. But it is a very simple device that we use to put the information on the screen.

The other computer we rely on heavily is the one that controls camera movement on the floor. If somebody got in and tampered with that, then we really would be in trouble. But we would see that immediately on both these occasions. We would see the information changing or our camera system would begin to act improperly.

Mrs. LeBourdais: Are there certain security systems already in place that ideally would prevent any sabotaging of this equipment?

Mr. Somerville: No.

Mr. Chairman: I am just wondering, Mrs. LeBourdais, whether the question should maybe more appropriately be directed to somebody in the Ministry of Government Services when you are talking about government computers.

Mrs. LeBourdais: This actually refers primarily to tapes that eventually come from it, from the video portion. That is why I thought it might be applicable.

Mr. Somerville: No, any distortion that could happen to our tapes we would see the first time we tried to replay them.

Mrs. LeBourdais: I see.

Mr. Somerville: You are making me think about this for the first time. There is information on a television picture that you do not see on the screen. For example, the closed captioning is put in a piece of video information that the regular viewer does not see. If somebody wanted to put messages in there, I think he could get into the system, but he would have to do it in the areas we work in every day.

Mrs. LeBourdais: So the possibility of subliminal cuts being in the tape could potentially occur?

Mr. Somerville: Yes, but I do not think the technology is there to do that at the moment. They would have to do it in our working environment, so someone would see them there. We occupy the space from nine in the morning until 11:30 at night; we are there. It would have to happen after hours and our doors have locks which have carefully controlled keys.

Mr. Reycraft: How long has the Simcoe to Satellite video been available?

Mr. Somerville: It is just being finished off now. It is not available at the moment. I just gave you a couple of previews of the shots. We are finishing it at the moment. I had hoped to finish it this month before the House opens, but we are a wee bit behind schedule. It should be finished in April.

Mr. Reycraft: My next question then may be premature, and if so just let me know. Have you decided how that is going to be circulated?

Mr. Somerville: This program is funded by public relations and the idea is that when a school or a school board makes an application for a public tour, they would be sent out a copy of this video tape. The idea is to warm up the students and give them a feel for the building and the system before they come here. It will be sent to the school. If the teacher would like to keep it, then she can, but we would try to get it back when they came to the building for the visit.

Mr. Reycraft: You try to recover it when they actually come to make the tour.

Mr. Somerville: Yes, we try to recover it. From my point of view, I would like to leave it with the school. The total cost would be about \$8 to \$9 a copy. If you get into administering it, you would waste that amount of time on staff and postage. For \$9, I would rather leave it in the school and the library. Hopefully, it would get used more. We plan to make the copies ourselves.

Mr. Reycraft: Given the kind of information that is contained on it, perhaps some consideration should be given to distributing it province-wide to all the schools instead of waiting until they actually apply to make a tour. If you do not do that, I am sure there will be schools to which you will send two or three tapes in a given year. That really should not be necessary. I am sure other schools that do not make the tour, or are not able to make the tour of Queen's Park would benefit from that information.

Mr. Somerville: I must admit I did not take the responsibility for the distribution. That would be handled by Linda Phillips in public relations since it is her program. All these programs I showed you this morning, like the Office of the Provincial Auditor, we produce and then give the package to the owner or the person who initiated the idea. Then it is his responsibility for distribution. For example, in the case of the Commission on Election Finances, when we produced that program for them, we made 460 copies of it and every chief financial officer got a copy before the election. We are capable of mass distribution if that is what you think is desirable.

Mr. R. F. Johnston: Nine dollars times 7,000 schools.

Mr. Reycraft: How many visits?

Mr. R. F. Johnston: Seventy-five thousand kids.

Mr. Somerville: The program was initiated because the tour staff were disappointed by the lack of knowledge from the kids who came down here. It is an idea to try to get them thinking first and also the teacher to introduce them in history or politics.

Mr. McClelland: I thought you were going to say the lack of knowledge of the members.

Mr. Reycraft: I think the tape is an excellent idea. I congratulate you for the initiative. I was just thinking if there are more ways that we could make even more use of it.

Mr. Somerville: I agree and I like what you are saying.

Mr. Reycraft: On a different subject, if I may, Mr. Chairman, I have had constituents express concern to me about their inability to identify speakers when they were watching question period or committee work during the day. I understand the system you have where periodically the member's name or the participant's name is flashed on the screen. When I have done that, the concern has been that often when they are watching it, they are also doing something else, so perhaps they may miss the identification when it appears on the screen.

As you indicated earlier, the common habit is to flip channels anyway. People like to move up and down whenever they feel like it. Is there a reason why the identification is there on a periodical or intermittent basis and not left there all the time?

Mr. Somerville: No, and I decided the times. We try to deal with broadcast standards. If you look at a name super, it is normally on for three seconds. We just kept it in the broadcast standard and we also recycle. We try to do everything in 10-minute cycles. We put the name on. If it is one or two lines, we hold it for three seconds. If it is three lines, we hold it normally five or six seconds to give the viewer a chance to read it. Then we go into a recycle, so 10 minutes later we would repeat it again, repeat the name. Also, if we scroll something, whatever the members are debating across the bottom, such as a bill number, we will repeat that in 10 minutes too.

If the committee would like it more frequently, there is no problem in doing that. It is just a matter of a switch in the control room that we just put the name on and often the same with the bill or the items being debated. It is a call. As I say, we have just stuck with broadcast standards.

Mr. R. F. Johnston: It could possibly affect the feed, for people picking up the feed, if you had the name on too long. It seems to me, in terms of the way they would like to play them for the news, that would be a problem.

Mr. Somerville: On that point, broadcasters do complain. The seven residents in this building we supply with feed without names, but some broadcasters, like the CBC national and CTV, pick up our signals via the television centre in Toronto, and they would complain if we put the names on more often. I think it depends on where your loyalties are, to the broadcasters or to the viewers. I agree with you that you can miss it if you look away for a few seconds, as it is very short, or if you look up in one second and you see it disappearing. I know I get quite angry.

Mr. Chairman: If I may, Mr. Reycraft, maybe doing that on a trial basis and keeping the name there for longer during the duration of the person speaking might be tried on a monthly or on a couple of months' basis or something and see what the reaction is of people.

Mr. Reycraft: I think we would want to give some consideration to problems that it might cause to other groups that are picking it up. I had not thought of that difficulty before.

Mr. Somerville: The broadcasters really complain because it is difficult to edit in and out when a name is coming and going. Also, like City-TV, for example, they have their own lettering style and they do pick up, not in this building but off the air. I know I have noticed pieces where they should have had the member on, but we have had the name on so they do not use that piece. They pick it up later or go to that wide shot off the balcony that Mr. Vaughan uses all the time. Broadcasters do consider it.

There is a compromise. Instead of going for three seconds, make it 10 seconds. As I say, we would consider something like three seconds minimum and usually five or six seconds maximum for the three lines of information which we get into. You have the member, the party, the riding, and if it is a minister, his ministry. That is the longest we keep on, six or seven seconds.

Mr. Reycraft: Is that the same practice that is used in the federal House?

Mr. Somerville: In the federal House they have a different system. Once they put it up, theirs automatically changes English-French. We put up English and then we fade and then we have to bring up French again. The name in theory is on six seconds minimum, three English and three French with a second or two in between.

Mr. J. M. Johnson: Mr. Somerville, in your proposals, page 8, The Future, you state, "We will broadcast on Sunday afternoons a repeat of the first 90 minutes of all afternoon House proceedings. This broadcast will begin at 12 p.m. and run until 6 p.m. approximately." Do we not have an agreement with the Wawatay Native Communications Society that they would use it from 5 p.m. to 6 p.m.?

Mr. Somerville: Yes, we do. If members were agreeable, we would have to ask the Wawatay to go back to 6 p.m. to 7 p.m. I have approached them informally and they say there would not be a problem, but that would have to be negotiated. If the committee did not like asking them to change, then I would suggest we go on at 11 a.m.

Mr. J. M. Johnson: Also, it is my understanding that the native society has requested extended time from an hour, I think, to an hour and a half and then later on to two hours.

Mr. Somerville: They have not requested formally, but in their report to TVOntario they say they will be asking for that in September if all their plans go well. They have to get funding from the federal office to go into this extra half-hour.

Mr. J. M. Johnson: Then the possibility of another half-hour after that.

Mr. Somerville: Next year, yes.

Mr. J. M. Johnson: We are looking at two hours. Would they be agreeable to the time frame from 6 p.m. to 8 p.m.?

Mr. Somerville: Informally, yes.

Mr. J. M. Johnson: Mr. Chairman, I would suggest, before we make any determination on item 1, that we should take into consideration the position we are now in with Wawatay Native Communications Society and determine whether indeed we do want to allow them an extra half-hour and an extra hour, which would be a total of two hours over a period of a year. There is no point in going into this program if at some point in the very near future we are going to change it.

Mr. Somerville: These timings I picked from just looking at TV guides and trying to get viewership. I just thought that from 12 till six is a good time to promote and people get into the idea that you can see the parliament all Sunday afternoon, but I do not think it would make much difference between going on at 11 or 12. Twelve o'clock is normally when all the church services and religious broadcasts are off and finished. That is another reason I picked 12 o'clock. The Wawatay has not applied officially for an extension yet to the half-hour.

Mr. J. M. Johnson: One other concern I have, Mr. Chairman, is item 8 on the same page, "Development of a new policy and guidelines for the utilization of unused transponder time." I would consider that if we accept your proposal number one, we will use up a good deal of this.

Mr. Somerville: That is part of the time. Yes, part of the plan is to utilize more of the time ourselves.

Mr. J. M. Johnson: I have some concern for that because I happen to feel that because of the two experiences we have had, December 5 with the Whipper Billy Watson use of the transponder, and also on February 14 with the Multifairth Service of Thanksgiving, sometimes there is more urgent need for that channel than to simply replay something that has been replayed all week. I wonder if the committee would give consideration, when we do make some determination on this, to things we would consider of urgent importance to the province. How many hours would it be? Approximately six hours every Sunday?

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Mr. Somerville: Yes, a total of six hours.

Mr. J. M. Johnson: On occasion we could put that aside and deal with other more urgent or more interesting matters for the sake of the people of the province.

Mr. Chairman: I guess what you are saying, Mr. Johnson, is that in any of our arrangements we make with individual groups we not be locked in and that the Legislative Assembly be able to pre-empt that if necessary.

Mr. J. M. Johnson: I would strongly support that.

Mr. Chairman: I think that is part of the agreement now, is it not?

Mr. Somerville: Yes.

Mr. Chairman: I guess what Mr. Johnson wants, if I understand him correctly, is to make it abundantly clear to these groups, so that they cannot accuse us of bumping them for some reason when it was in the original agreement.

Mr. J. M. Johnson: I think if we turn to the request from George Coates, it is a response marked--

Mr. Chairman: What page are you on?

Mr. J. M. Johnson: It is two pages from 8. It would be page 10 if it were numbered.

Mr. Chairman: The Wawatay television report?

Mr. J. M. Johnson: Yes, Lawrence Martin and--

Mr. Chairman: February 1, 1988?

Mr. J. M. Johnson: The way I read the letter, he is requesting consideration for February 7, 14, 21 and 28 for one hour and hoping that this monthly request procedure will be resolved very shortly. I assume from the contents of the letter that he is hoping to get a longer-term arrangement rather than a monthly arrangement. Is that right?

Mr. Somerville: Yes. He would like to just get over the problem, as you say, of applying every month for this time. That was part of the agreement that he would have to apply. It gives us access to the channel. We could say, "Next month you are not getting it."

Mr. J. M. Johnson: I think we should keep that in mind when we deal with this letter and not tie ourselves into situations we might have a problem trying to get out of at some future date.

Mr. Chairman: Yes.

Mr. Somerville: On the two occasional uses the committee recently granted, that was part of my presentation to the committee. I made sure these occasional users knew they could be bumped. If we ever had an extraordinary session in parliament or a committee, we would take over that air time, even though permission had been granted.

Mr. Chairman: That is with regard to the multifaith service and the Whipper Billy Watson telethon?

Mr. Somerville: Yes. It was part of the correspondence between our broadcast and recording service and these occasional users that they knew that if we had anything extraordinary happen in parliament, then we would take over the channel again.

Mr. J. M. Johnson: It seemed to me that at the time we made those decisions we were quite concerned that we might be creating a problem for the native band, that the onus was on us to seek their permission before we granted it to the other two organizations. I think it should be in reverse; that they should be clearly told that they do not have prior rights, that they are granted this with the understanding that if this committee so decides, or whatever body of the House, then we do have that right without their verification.

Mr. Chairman: I wonder whether the clerk might just clarify what was in the letter. I think he may have some information.

Clerk of the Committee: I think that point was put in the letter when we extended the time available to the Wawatay Native Communications Society that the Legislature did reserve the right to pre-empt them.

Mr. J. M. Johnson: Let us make sure we keep it abundantly clear.

Mr. Chairman: I think the committee feels strongly about this, Mr. Somerville. I do not think Mr. Johnson is speaking only on his own behalf but on behalf of the committee, unless I hear other opinions on this.

Mr. R. F. Johnston: I would suggest, as a point of order, that on the two things Mr. Johnson raised there, we should make sure as we then go through some decision-making on what we would have a consensus on, following that, these matters should be added to the list of things that are down in Mr. Somerville's presentation. I would also like to see us come back to deal with Mr. Reyecraft's question as one of the things to see if we can get a consensus around a compromise, maybe in terms of the signature under the member. If we could add those concerns to these lists Mr. Somerville has already given to us and then see if we have a consensus and do it formally, I would prefer to go that way, rather than have each member now maybe selecting one thing and not going through it in an orderly fashion.

Mr. Sterling: Yes. I am concerned about the cost of continuing to expand these kinds of services. There seems to be a never-ending appetite to do that and a tendency, I think by all of us, to see new opportunities because we are dealing with a medium that offers new opportunities all the time. Can you give me an up-to-date calculation of our capital investment in our television system, including the renovations to the chambers which were required?

Mr. Somerville: Approximately just over \$3 million.

Mr. Sterling: Only \$3 million. That is the total we have spent including renovating the legislative chambers?

Mr. Somerville: Yes.

Mr. Sterling: The Amethyst Room as well?

Mr. Somerville: Yes.

Mr. Sterling: And what is it costing us per year to run?

Mr. Somerville: Transponder rental is \$1.2 million; salaries are approximately \$1 million; \$220,000 on supplies and services, that is, spare parts, electronic parts; \$100,000 approximately on videotape and audio tape, a disposable item. I think that is about it.

Mr. McClelland: It is \$2.5 million plus.

Mr. Sterling: When this committee first looked at this idea of televising, we went out to Saskatchewan where they were doing it for something like \$250,000. We have now 10 times the expense they are incurring in what they are doing. My concern is that we can add service upon service, but the primary objective was to provide the public with an opportunity, if they wanted to turn on a television set, to see as much of the legislative procedures as possible. I guess I get a little concerned that we do not get carried away with it. If anybody had told me there was \$1 million going to be paid in salaries for people to run this system, it might not have got approval at that time.

Mr. Somerville: I should say part of that \$1 million is for people who previously worked for Hansard, for the recording service. They are now part of that million. They would still be there, I assume. Since I came on the staff, there have been nine additional positions added, since television started.

Mr. McClelland: What would that be, about \$500,000?

Mr. Somerville: Yes, approximately.

Mr. Sterling: What jobs were they performing before?

Mr. Somerville: The Hansard operators?

Mr. Sterling: Yes.

Mr. Somerville: They are still performing the same jobs plus a lot of other jobs that have been added. For the maintenance department, they now actually maintain the monitors and VCRs, where they did not before. This is Hansard staff or all staff.

Mr. Sterling: Were they only partially employed before?

Mr. Somerville: I cannot answer to that. They were full-time maintaining the Hansard operation; the audio systems in the committee rooms; the audio system in the chamber; repairing and looking after audio cassette recorders; and the Wang computer system.

Mr. Sterling: Were they overstaffed then before?

Mr. Somerville: I do not know if they were overstaffed or not; I was not responsible then. Since I have been responsible, I have tried to develop the staff and the unit as a nonseasonal, or 12-month, operation. We now run 12 months and when the House is not sitting, we produce videotape programs and get involved in a lot of renovations and upgrading of the facilities that did not happen in the previous 10 or 15 years.

Mr. Sterling: Was it Mr. Mitchinson who was the former director? I think he came to this committee three years ago and estimated the capital cost at something like \$6.8 million. Why has it been so dramatically reduced?

Mr. Somerville: I do not know whether he was taking in all the renovations. Tom would probably have more correct figures, but I know we came in under budget on renovations and installations.

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Mr. Sterling: That includes all the lighting.

Mr. Somerville: Yes. There may be some figures I am missing. The Ministry of Government Services picked up some of the bill for renovations: the hydro, for instance, was not adequate and they paid some of that. There may be some hidden costs that MGS picked that were not allocated to broadcasting: the replacing of the floor in the chamber. It was not a requisite for the broadcasting and recording, but it was something that had to be done. The assembly wants to change the seating plan; we want it changed. But the broadcasting figure I am giving is a ball-park figure of \$3 million for the renovation. I have used that in quotes to other people. I think it is approximate.

Mr. Sterling: Maybe you could justify that to me and itemize it for me. I would appreciate seeing it, because nobody seems to be able to tell me how much this thing cost us. I think it is important that we know how much it cost.

Mr. Somerville: With the chairman's permission, I could table these figures. They are all documented and have been reported to the Board of Internal Economy. I do not have them with me at the moment and I do not have them off the top of my head.

Mr. Sterling: I would appreciate that.

Mr. Somerville: I know it is all on the record.

Mr. Chairman: I have no difficulty with that, Mr. Somerville. If you have the figures, please make them available to the committee.

Are there any other questions? If not, I have finished the list. Unless someone has some other questions, maybe we can go through these points. In going through some of these points, I think we should be cognizant of our own role and that of the Board of Internal Economy. We should be aware that on some of these things, unless we have figures to support what it might cost, installation of whatever, we may have to get that information before we want to make a decision or recommendation on it.

Anyway, starting with page 8, I think that would be an appropriate place to start, Mr. Somerville: page 8, number 1, halfway down that page.

"The following items are not included in the budget submission to the Board of Internal Economy and are awaiting further discussion.

"1. The implementation of the promotional strategy proposal submitted by Anthony Long and Associates at the committee's request."

Mr. R. F. Johnston: I just want to be clear in this. Mr. Johnson

raised concerns about the implementation of number 1, of the new initiatives they are hoping will be approved but have not been approved. Is that as I understand it?

Mr. Somerville: Yes.

Mr. R. F. Johnston: Is the chair saying that the committee does not have a role in commenting on those three at the top of the page?

Mr. Chairman: No. I was leaving that until later. I had made another note of that, and I was going to deal with that a little later.

Mr. R. F. Johnston: Come back to it? Fine.

Mr. Chairman: It does not matter to me. If you want to deal with it now, we can deal with it now.

Mr. R. F. Johnston: No. I do not mind in what order. I just wondered if it were excluded for some reason I did not understand.

Mr. Chairman: Let us deal with number 1, halfway down the page, and we will come back to those.

Mr. Sterling: How much is that going to cost?

Mr. Somerville: The promotional strategy was a total of \$152,000 if we implement everything the consultant recommended. If you look through your items on page 36-

Mr. Chairman: You will have to speak up, Mr. Somerville. It is in the binder under 1/02/03, just beyond the yellow page there; I think the second yellow page.

Mr. Somerville: On pages 37, 38 and 39 is a cost estimate and a breakdown of what we could receive for that money; that is, if you like the whole strategy and the whole plan. We do not have to do everything proposed, but we could do some of it.

The pieces I showed you this morning, I will leave out on display. There are also some samples from other legislatures that do some of this production and promotion suggested in this thing.

Mr. J. M. Johnson: When we were discussing this several weeks ago or months ago, however long, at that time I was not terribly impressed with it for the simple reason that I felt if a program was worth watching, people would watch it. I am not sure I accept the proposition that we have to advertise what we are doing here to gain viewers' interest. If we do go ahead with it, I want to go on record as being strongly opposed to the full implementation. If you want to promote it in a smaller way, through the school system, I could support that, but I am certainly not supportive of the whole program.

Mr. Chairman: As outlined?

Mr. J. M. Johnson: The previous presentation. I assume this is the same as was presented to us in the Amethyst Room prior to Christmas.

Mr. Chairman: Yes. That was quite a comprehensive one.

Mr. J. M. Johnson: Yes.

Mr. Chairman: I am not sure what the cost of that whole program was.

Mr. Somerville: That was what I quoted as \$152,000 total, if you add up every item on here.

Mr. R. F. Johnston: I gather what we are doing is seeing if we have consensus on these items and then going on.

Mr. Chairman: That is right.

Mr. R. F. Johnston: I suggest we do not have a consensus in terms of the philosophical underpinnings of number 1. I do think that we need to promote the existence of the kind of broadcast that we put forward. The reality with the huge choice that is on TV at the moment is that people tend to be aware of what is on the networks. If they have certain pay programs on cable, they are aware of those things because they are very well publicized and they tend to pursue that kind of information because of that promotion as much as anything else. I think, therefore, we have to do something to let people know in very basic ways that this exists.

I also think that if our goal on this was not just to have an Instant Hansard that was a televised Hansard, an electronic Hansard, but was in fact to try to make the population of Ontario much more aware of what goes on in this place, then it is a mistake not to try to encourage people to see that as a useful thing to do.

Mr. Chairman: It was seen as involving the public in the democratic process.

Mr. R. F. Johnston: Exactly. I do not think they can be expected to just leap in and do that. From my perspective, we do need to think about some kind of a strategy which will maximize that involvement in the most efficient way in terms of dollars. What I would suggest then is that this is one of the items that we are going to have to sit down and debate. Therefore, we do not have a consensus at this point. I suggest we move on first and find our areas of consensus and then have this one to come back on and have our debate and ask for more information if people feel it is necessary, or look at two or three options of how we might implement this.

Mr. Chairman: What kind of information do you want? I know you mentioned options.

Mr. R. F. Johnston: I think that would be one of the things. I am suggesting at the moment, though, that all we do is decide that we do not have a consensus, because Mr. Johnson's feeling is that we should not be actively promoting but should be doing things in a minimalist fashion through the schools. Therefore, we should move on to other items, find out what we have our agreement on and then come back and decide, for instance, what it is that Mr. Johnson, in his position, would like to know more about in terms of reinforcing his perspective. I would like, from my perspective, that time to ask about what would be some of the options within what is presented that would go after the largest number of people most quickly and most cheaply and look at some of those options.

Right now, I am suggesting we should be moving on to number 2 to see if we have consensus on that or if that is something we have to come back to as well.

Mr. Chairman: I guess what we are looking at here, Mr. Somerville, is to present in a fairly rational and abbreviated form some of the options that are available and the costs associated with those options. Obviously, we are not going to be able to deal with that this week or next week, but maybe we could deal with it some time in the spring session. If you can put that together in co-operation with the clerk, then maybe we can set aside a period whereby we can deal with this, when members have plenty of opportunity to study the material ahead of time and when they can then look at certain packages or options.

1500

Mr. Somerville: As Mr. Johnston said, the proposal was presented before the committee and a decision was deferred until a later date. I am introducing it now and hoping that with your agreement we could implement some of these ideas for the fall session, because we have only two windows where we should target an audience, before parliament opens in the spring or the fall, to get people to at least look in on us once. If it is too much to take on in one fell swoop, to adopt all of these ideas and proposals, I have some suggestions.

Mr. Chairman: Tell me and the committee then what the minimum program is, as you see it.

Mr. R. F. Johnston: Just on a point of order, I thought we agreed to go by consensus and then come back to things of difficulty and work them through, so that we do accomplish something.

Mr. Chairman: I do not have any objection to that, except that if the committee then agrees it does not want some of this and then Mr. Somerville says this is essential, it is going to have to go back and change its mind. I am trying to avoid that.

Mr. Sterling: Maybe he could provide us with a prioritization, as he sees it, in terms of the promotional program. Then we can look at it after that.

Mr. R. F. Johnston: I am not suggesting putting this off today to another day. I am suggesting the quickest way to find out is just to go through the 11 recommendations we have here, see which we automatically have a consensus and agreement on, then go back to an item like this and get Mr. Somerville to give us his priorities of what to do and have a discussion to see if we can come up with a decision on it today. I thought that would be the quickest way of running through this, to see if there were some things we really did not need to discuss much because there was agreement, or is everything here contentious? If that is the case, let us wade through them and decide which are the most important for us to get through today.

Mr. Chairman: They are all more or less interwoven with each other. That is the problem. Mr. Somerville, very quickly go through number 2.

Mr. Somerville: Number 2 is a proposal so that we can monitor our own satellite feed, which we have never had the capability of doing, and at the same time, when we are doing all this work on the roof, to build two separate dishes on the roof of the north wing, one to receive channels that may be of interest to us--for example, C-SPAN--in the very near future, and the second dish is to pick up our own channel, to make sure everything is working and we are delivering the quality we are supposed to deliver.

Mr. Chairman: Right now, you are leasing those dishes?

Mr. Somerville: No, we do not have these facilities. We keep our eye on our Rogers feed. I do not have access to C-SPAN, for example.

Mr. Chairman: C-SPAN being what?

Mr. Somerville: Being the House of Representatives and the Senate from Washington.

Mr. Sterling: What is this costing?

Mr. Somerville: It is \$40,000 for both dishes. That is including purchase and installation.

Mr. J. M. Johnson: There is no operational cost after this?

Mr. Somerville: No, it is an installation like an antenna on your roof.

Mr. Chairman: What is the maintenance cost of that per year?

Mr. Somerville: Very little. It is two receivers.

Mr. Chairman: What is very little?

Mr. Somerville: I see no maintenance cost for the first year and, if we are lucky, for two years because of a guarantee we would get from the suppliers.

Mr. Chairman: And after that?

Mr. Somerville: The damage that happens to these, being so accessible here, is from ice and snow. That is what damages satellite dishes. But I do not see an ongoing, huge maintenance cost. If you are looking for a ball-park figure, five per cent of capital cost is quite often the maintenance cost. In this case it would be five per cent of \$20,000.

Mr. Reycraft: The advantages of this, as I see it, are (a) to provide you with some monitoring capacity and (b) to provide us with access to some of these other programs.

Mr. Somerville: Other satellite services, yes, which would then appear on the nine channels of closed-circuit television. If you wanted to see the Senate, we would put it on channel 6, 7 or 8.

Mr. J. M. Johnson: It sounds all right to me.

Mr. Sterling: I do not know how often I have wanted to watch the Congress of the United States.

Mr. R. F. Johnston: I wonder if we can divide this in two. I understand the need to monitor what is happening in terms of breakdown--you said 53 times or something?

Mr. Somerville: Since November.

Mr. R. F. Johnston: Since November, and we do not have control over that. That part I understand. So that is the one dish.

I have some doubt, just as Mr. Sterling does, about my need for much information out of the American Congress. Is it possible that feeds from other legislatures in the country might get access to the satellites which we might then be able to access?

Mr. Somerville: Yes.

Mr. R. F. Johnston: That, frankly, would be of some more interest. I am wondering, then, how that would work in terms of our nine channels, how we would actually take in that feed and what is realistic.

Mr. Somerville: The second dish would be a stable one and could very easily pick up other assemblies. Quebec is the most recent one that is looking at going via satellite. If they went on the satellite, then we would have the capability of picking them up.

Also, Mr. Sterling mentioned earlier, if we were doing satellite pickup throughout the province from a remote location like Sudbury, we could use this second dish to pick that up and put that into the system.

Mr. Chairman: When you are talking about picking one up from Quebec, that essentially would be French. Therefore, would you then have to have it translated or would that be part of the feed whereby somebody there would simultaneously translate it and that would be on the tube?

Mr. Somerville: That would be up to the assembly in Quebec. We could only receive what they broadcast. When we broadcast, we broadcast English and French and then, for the people tuning it in, it is their choice which language they take. I do not know if they would do that in Quebec.

Mr. Chairman: Is it the consensus of the committee to support something like this?

Mr. R. F. Johnston: My sense is that there was a definite consensus to support the monitoring, that we want that kind of control over breakdown. What is the advantage of installing two dishes at once rather than maybe later on looking at installing that second dish?

Mr. Somerville: I think the installation would have to be designed to hold two dishes. If we only installed one, we may save \$5,000 or \$6,000. The cost would be \$34,000. To install two, we are looking at \$40,000. Also, it is a backup.

Mr. Sterling: I think we all agree with that.

Mr. Chairman: So the monitoring device, that aspect of it--

Mr. R. F. Johnston: I think we are now saying that it looks like the package makes sense economically if there is only a few thousand dollars difference.

Mr. Chairman: Agreed?

Mr. J. M. Johnson: That is the two for a total of \$40,000?

Mr. Chairman: Yes.

Mr. Somerville: Just before we leave that, this is an estimate I got 12 months ago.

Mr. Chairman: Let me put it to you this way. If that is out by more than about 10 per cent, I think you better not have this committee committed to that. I am just saying that, if all of a sudden it gets to be \$65,000 or \$80,000, maybe the committee might want to reconsider it. We are going on the basis of \$40,000. Add another 10 per cent, which is more than inflation, so \$45,000 to be safe.

Mr. Somerville: All right.

Mr. Chairman: As to the extension of the in-house service beyond the Queen's Park complex, just briefly, what are we talking about here?

Mr. Somerville: This has happened because of requests from offices and buildings beyond Queen's Park; for example, three government buildings along Bloor Street: 80 Bloor, 151 Bloor and 121 Bloor. They would like to get on the service. The only way we have to do an arrangement with--

Mr. Ballinger: Question period is so entertaining, they want to make sure they get it.

Mr. Chairman: You are talking about all of the other government buildings?

Mr. Somerville: Government services, yes.

Mr. Chairman: How much money are we talking about?

Mr. J. M. Johnson: Who has to pick up the cost?

Mr. Somerville: Rogers Cablesystems would install it, but only if we could come to leasing terms with them, at the moment. The other option is, if you would like to make all of our nine channels available, or up to nine available, for public access, then I think we may be able to swing a deal with Rogers where the costs would not be as great because they are providing additional service to their subscribers at very little additional cost to them.

Mr. R. F. Johnston: Terms like this are difficult for us to deal with: "not very much cost" or "very little cost."

Mr. Somerville: I have never had a quote from Rogers, but at the time of our initial discussions when we put the nine channels into the rest of Queen's Park, that was all done for \$3,000 because we only had to cable between this building and the Macdonald Block.

Mr. Chairman: Was that \$3,000 or \$30,000?

Mr. Somerville: Just \$3,000.

Mr. Chairman: So are you suggesting that it might cost us another \$3,000 to put in an extra nine channels?

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Mr. Somerville: The way the circuit runs now, the cables are all in place. It does not cost you additional money to put more signals on these cables, but I cannot commit Rogers to providing this service for a cost. I would like your permission to investigate it in one of two directions, either to make the service available to the public or to have a scrambled service. The descramblers would be given to government offices and people--

Mr. Chairman: Why do you need our permission to explore this? Is there any cost involved in exploring the possibility?

Mr. Somerville: There is no cost involved, but I would like direction.

Mr. J. M. Johnson: Let us approve permission to explore.

Mr. Somerville: I would like direction whether you would like it to be open-ended to the public or to be closed-circuit to--

Mr. Sterling: Why would you want it closed-circuit?

Mr. R. F. Johnston: Since there is no difference in cost, I would say let us leave it open.

Mr. Somerville: You know how the demand channels operate. People call up the office and say, "I would like to see yesterday's question period," or, "I would like to see 4:20 last Monday." We just play these pieces back to members in their offices. The public would be able to tune in and see these same pieces, but I also run a program such as appearing on camera. People in their homes would be able to see that. The public would be able to view all the things we put out, the information channels. They would be able to see what is happening in the building and the other scrolls we put on. They would be able to watch the media studio, the press conferences.

Mr. Chairman: Let me get this straight, Mr. Somerville. You are saying right now on the closed-circuit, members can call in and get that feed, as long as they have the closed-circuit, if they want to see 20 minutes?

Mr. Somerville: Yes.

Mr. Chairman: There are some members now who are not being served in some of the buildings, who are not getting the closed-circuit?

Mr. Somerville: Right.

Mr. Chairman: If we were to provide the open circuit exclusively, then this extra service would not be available to them?

Mr. Somerville: No. If we made it open circuit, it would be available.

Mr. Chairman: It would be available?

Mr. Somerville: Plus to every other Rogers viewer.

Mr. Chairman: Yes, but you would not give it to other viewers, would you?

Mr. Somerville: If we do not, we have to scramble the signal as you do in pay television. You just see a garble coming over your screen and then you have to get a descrambler, which I would suggest the assembly control.

Mr. J. M. Johnson: What are we televising that we want to hide?

Mr. Chairman: No, no, that is not the point.

Mr. Sterling: You call up, Jack, and you say, "I spoke in the Legislature yesterday afternoon and I would like to see a replay of myself."

Mr. J. M. Johnson: Everybody should see that.

Mr. Chairman: Yes, but somebody else tuning it in wonders why. He is saying: "Look, he really likes to hear himself. He is back in there talking again, and he is saying the same thing he said yesterday."

Mr. Sterling: Then what will happen is the public will say, "I have a right to call and I want to see Jack Johnson speak."

Mr. R. F. Johnston: I think Norm has put his finger on one problem, people calling up to hear Jack speak. No, no, I do not think that is the problem. I think it is the notion that they could overload the system or whatever and cause problems that way.

The other is that we do not seem to have, from what I am hearing, any means of isolating some of these channels off and not all of them, so that the replays could be done for members and members' offices and those would not be picked up by the public.

Mr. Somerville: That could be investigated. I think it is technically possible to widespan only some of them, to keep some of them off.

Mr. Sterling: It is hard for us to give a reaction without knowing the financial parts of it.

First of all, in terms of the demand channel, I would say it either has to be scrambled or limited to Queen's Park, and I would not care if the government offices also had that, providing they pay for it. I do not think the Legislative Assembly should be paying for government functions. Ministries should pay for it if they want that kind of service. If you are talking about \$3,000, I do not care whether the Legislative Assembly pays for it or the Ministry of Government Services pays for it, but if you are talking about \$30,000 or \$100,000, I may do.

Mr. Chairman: But you are not excluding the members. For instance, if it is going to an office on Bloor Street and it is for the minister there, then he is as much a member of the Legislature as you or I am in this building.

Mr. Sterling: Let him come and have his office over here. I will trade him my office for his office without the TV.

Mr. Somerville: For example, the Provincial Auditor on Dundas or the Ombudsman on Bloor--these are assembly offices--or the Commission on Election Finances on Bloor Street.

Mr. Chairman: Can you get us some breakdown on what it is going to cost us?

Mr. Somerville: Sure.

Mr. R. F. Johnston: I also think we do not want to preclude one option or the other in terms of the openness. We would like to find out something on both of those, whether it is possible to restrict access to the demand channel without that being really expensive or whether the descrambling method is the only method that is financially feasible to deal with that and for you come back to us on that.

Mr. Chairman: I do not foresee that we would ever accommodate somebody from the public being able to call in and say, "I would like to see Richard Johnston again," and be able to get that and overload the system.

Mr. R. F. Johnston: They would. That is the trouble. It would totally overload the system if you had that possibility.

Mr. Chairman: That is right, or Jack Johnson, for instance. So you are going to get more information on that, Mr. Somerville?

Mr. R. F. Johnston: There are insomniacs out there, let me tell you, who need our help.

Mr. Reyecraft: You can arrange for the replay and send out notice of it in your householder.

Mr. Chairman: The next item, item 4, is purchase of a portable audio system to accompany travelling committees.

Mr. Somerville: This item was raised with the Clerk's office. Initially, the option came up when quite a lot of committees were going on the road, when the House was passing motions that they should be recorded and transcribed in Hansard. At the moment, we rent units. The cheapest we rent is \$300 a day, and the most expensive is \$450 a day. That is just the equipment.

Mr. Chairman: Let us put it this way. Would it not be more expensive to have our own in-house equipment and have it travel rather than lease the equipment while we are there?

Mr. Somerville: We are renting at \$400 a day. If we buy a piece that costs \$40,000, we would have it for ever.

Mr. Chairman: But the other thing is that more than one committee travels sometimes and so you buy one and it travels out with a committee to Windsor, but another committee is meeting in Thunder Bay and you still have to--

Mr. Somerville: That is one problem.

Mr. J. M. Johnson: You are talking about staff as well.

Mr. Somerville: Yes.

Mr. J. M. Johnson: And you are also talking about the French interpreters.

Mr. Somerville: Yes. This is happening more and more.

Mr. J. M. Johnson: And travel accommodation if the committee stays for a couple of days. You are talking about a fairly major expenditure.

Mr. Somerville: Yes.

Mr. Chairman: You are also talking about some people sitting around when it is not needed, as when committees are not travelling.

Mr. Somerville: Yes. One part was to put the equipment in--

Mr. Sterling: In the past year, how often did we rent?

Mr. Somerville: We only got into it this most recent session. We went to London once and we are in Ottawa for three days this week.

Mr. Sterling: How much did that run?

Mr. Somerville: The one in London was \$300 for the day, and in Ottawa it is costing us \$450 per day.

Mr. Sterling: Who is running the cameras there?

Mr. Somerville: No. This is just for audio pickup, for microphones and Hansard recording.

Mr. Sterling: My feeling is that until we get into a situation where there is a demonstrated need that we are going to be doing it on a constant basis, if we run into the fact that we are doing it for 100 days or 50 days a year or something like that--but it does not seem to me that there has been a demonstrated need in the past for this kind of--

Mr. R. F. Johnston: What I would like at the moment, if you can get it, would be some idea of the actual expenses. I remember with the standing committee on social development on Bill 30, for instance, wherever we went, we had these rented systems, plus we hired interpreters and there was French transcription for everything we did as well. It was incredibly expensive.

I am wondering if we cannot get some factual information on what has been spent by committees for this kind of thing, for whatever period of time we think is useful, a year or two years, to get some idea of what the costs would be, and then some estimate in terms of what doing it in-house would be. My guess is that Mr. Sterling is probably right, and at this stage it maybe is not economically necessary to go, but I would really like to have that information, because I have been on committees which have had enormous budgets for making sure we had proper mikes at the places we went and often we have had real problems with what we have leased in various places and not having control.

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Mr. Chairman: The example you cited, Mr. Johnston, about Bill 30 having 889 presentations, or something close to that, would probably be the exception?

Mr. R. F. Johnston: I would presume it is, but I am not aware. It would be really interesting to know what committees are actually doing in terms of public hearings when they go around to other places; how many times they get an audio system which is already in place, wherever they are using it; whether it is of sufficient quality that it can be used for transcription; how many of the committees are actually transcribing their hearings as they travel; how many are getting those things in French interpretation at the time; and how many are getting them translated.

Clerk of the Committee: It is happening more frequently. Three select committees have a full Hansard service. That is why there is a requirement to have proper audio so that it can be transcribed.

I think you have to look at more than that. There is the question of cost with staff going--hotel, transportation and meal costs--and whether it is cost-effective; whether we hire somebody locally to provide the whole service, active service; or whether it is better for us to guarantee a certain quality of production and have our people go out. I can get together the cost issues.

Mr. Sterling: My concern is not the \$40,000 you pay for the system. It is that you are actually building on the \$40,000 and then, all of a sudden, you have to have two or three more people around here full-time, and will they sit for a year doing nothing?

Mr. Chairman: That is a very important consideration because those committees do not travel all the time. Second, you might have two committees travelling in the same week, at which time you can only use the one place anyway.

Mr. Sterling: I have another concern. Off and on we go to some of these towns which are not ingratiated with the provincial or federal governments' presence. We like to favour local business over the Toronto business community and, therefore, like to give them a little bit of provincial contract and ability--

Mr. Chairman: It is called decentralization.

Mr. Ballinger: Good point; excellent point.

Mr. Chairman: I think we are going to defer that until we have a chance to monitor over the next six months to a year, Mr. Somerville, and then come back with further questions of the concerns.

Five, development and consideration of alternative desk and seating arrangements in committee rooms: Mr. Johnston raised the point that some of us who travelled to Sacramento and British Columbia may have seen examples of other seating arrangements. I remember seeing one in Sacramento where a number of us were in that one committee room. It was in the form of a U-shape. I counted the chairs and I think there were 13 chairs around the outside. The other aspect of that was that it was raised a little. It was raised about three or four feet higher than the regular seats for the other people, almost like a dais. Mr. Johnson, you were there.

Mr. R. F. Johnston: I see certain members perking up immediately.

Mr. Chairman: What I particularly liked about it was the fact that nobody was sitting behind somebody else. You could see all the committee members and they were all facing the audience in a U-shape. That may not be a positive aspect from your standpoint, but I did not see it as negative.

Mr. Polsinelli: I think the rearrangement of the seating facilities in committee rooms is desirable. I am not particularly happy with the way we are arranged. I do not always like sitting behind Norm, although occasionally it is hard to sit in front of him.

I think perhaps it is a bit premature in the sense that, while this committee has made and is continuing to make recommendations to the government that the whole building be renovated and brought up to scratch, at this time to spend money rearranging the committee rooms may be premature and may be a waste of money. Those ideas and those items should be perhaps deferred until such time as the whole building is remodelled.

Mr. Chairman: To be fair, I think Mr. Somerville is primarily concerned with room 151, the Amethyst Room, where you have television and where you cannot always focus in on particular people, the particular members, at this point. He would like to have some recommendation from this committee regarding the setup in that room. Is that correct, Mr. Somerville? That is your major concern.

Mr. Somerville: Yes, and also the fact that we have been allocated the funds to put a new audio system in there. The design of that system should be incorporated into desks or any other seating arrangement plans you come up with that are suitable. Should we design a system to fit in this type of desk arrangement and then possibly change it in the near future? That is my concern. I would not like to purchase a system that would not work in the plan of the new seating arrangement.

Mr. Polsinelli: That being the case, what it may end up doing is making the total renovations of the other committee rooms easier, because we could use that as a model to determine whether it works or not. Perhaps what we should be seeing, though, is some alternative designs. I know the committee has seen some through its travels, but maybe it would be nice to sit down with a few sketches and see which ones we prefer at that point.

Mr. Chairman: How do you feel about giving this particular task to the subcommittee to come up with recommendations to the full committee?

Mr. Sterling: Before you do that, have you done any drawings?

Mr. Somerville: Yes. The Sergeant at Arms and I went down and visited city halls in a few other boroughs and Scarborough just to look at how they organize committees. When I was in Washington last week, I looked at their committee structures, and 99 per cent of them were U-shaped or V-shaped. That is not a difficult arrangement to come by, if the members would like a design of that type. I would be prepared to draft some drawings or present some items to the committee in the near future.

Mr. Sterling: I think that would be useful. I would like to see this, I think, for the Amethyst Room in particular, because in most cases when we have public hearings, that is where they take place. I am not sure that the same design would be preferable in all circumstances.

Mr. J. M. Johnson: When we were in Victoria, they had one committee room that had portable desks, each with a separate microphone that could be plugged in. The design could be changed if you wanted seating for 16, 12 or eight members, or whatever, with more room maybe for spectators at some time. It is quite easy to adjust. With this type of accommodation, built into a block, you cannot do much about it.

Suppose we ask Mr. Somerville to come up with some different ideas and sketches and take into consideration, naturally, the amount of square footage we have in the room and how much we can accommodate. If we go to the U-shape or V-shape, we are definitely going to be losing space for the spectators, because we are limited. The V takes up more than this type.

Perhaps you could take the geographical measurement and come up with some type of sketches that would give us some choice or selection. I think if we could have a portable type of desk that could be moved it would be more beneficial. We could even move them into another room at some point.

Mr. Chairman: I am going to ask the clerk if he has any comments on this, because he has some experience with visiting some of these different legislatures and so forth, and this has been considered in the past.

Clerk of the Committee: I think one of the things the committee has to consider in the setup is the reason we went to this E-shape or estimate shape. It was because it was dividing members up on a party basis so that you could accommodate certain parties in one spot, another party in another spot and a third party in a third spot.

The other thing is, if you go to a U-shape formation, as Mr. Johnson says, you tend to go out farther. If you are going to accommodate the same system, where we have ministers sitting beside the chairman and witnesses down there, it extends it so far out into the room that basically you do not have any option at all as far as the public goes.

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One thing the committee may want to consider is this: If people from different parties are willing to sit beside each other, you could add another seat on to each end and still have a U formation and still be able to accommodate the 11 members on the committee. That is one option that can be considered. In the past, some members have expressed concern about sitting beside members of other political stripes. That is one of the reasons this formation was put forward.

Mr. R. F. Johnston: We should be saying that there is a consensus that there is a need to rethink the structure of the committees which are being televised. That is important. We should be asking for some designs to come back, taking into account the portability factors, etc., and factors like where do you place witnesses and ministers, etc.

I concur there are some real difficulties in moving away from a U shape with clear party definition for certain things that we are doing. Not in something like today, when it would be quite easy for us as a committee to be sitting together, but during the estimates process when the critic is sitting there with certain information on his or her desk, information which he is armed with to go after the minister on, you do not really want to have a government member or parliamentary assistant sitting next to you who is looking over your shoulder at what you are doing. I think that is a real concern that needs to be thought about.

The same goes for the minister in terms of who would be sitting next to him or her. There are reasons why this has developed. I think if we can remember those while we are looking for something which gives the member the best and clearest play and allows the TV audience to understand who is talking to whom, that would be very useful.

At the moment, we can come up with a consensus that we agree we have to rethink this. For the Amethyst Room, we would like to see these ideas developed and then some suggestions brought forward. The other consensus which I presume we have is that we need to look at the overall revamping of the committee rooms in connection with the other matters which have been raised before us; that is, the restoration of the buildings and the question of Bill 8 and French-language services, etc. None of these things can be dealt with in isolation on the large picture.

Mr. Chairman: OK. Maybe you could come forth with some suggestions.

As soon as you have them available, you can notify the clerk and we can schedule you to come before the committee, Mr. Somerville, keeping in mind the comments that were made today.

"6. Initiate a long-term plan to install television facilities in other committee rooms."

I think that is self-explanatory. There is only one room that has it now. Does the committee want to say anything on that now or do you want to defer it because of the comments that Mr. Johnston just made with regard to the restoration that may or may not occur at some time in the near future--I hope.

Mr. J. M. Johnson: I very strongly suggest that we not take any action on this but tie it into a report on the restoration and preservation of the parliament buildings. This is one reason why we should be doing something. Before we go into changes of two, three or four committee rooms, let us make some determination about what we are going to do with the building and start working on it as soon as possible.

Mr. Chairman: Start looking at it long term.

Mr. J. M. Johnson: Not long term. Let us get started.

Mr. Chairman: No, I mean from the standpoint of looking at what we need in the long term.

Mr. J. M. Johnson: Yes. To have a report go to the Legislature saying that the committee is determined that something start rather quickly and an all-party consensus, we hope, that we are all in agreement that we need changes and that we should start right away, not another report saying that two, three or four years from now we should do something.

Mr. Chairman: I think when we deal with the restoration we can cover this, but your point is well made.

Mr. R. F. Johnston: Can we do that? Can we bring this up again under the restoration matter? From my perspective, that may be the limit of the consensus, I do not know, but I do agree with what Jack has said. I also think that it is important that more than one committee room at some time or other be televised, because I think that to understand this place the public really needs to know what goes on in committees, has a right to know what goes on in committees and that is a very important part of this process.

So I would not want that to be lost, at least from my perspective. I do not know if we have our three-party consensus on that, but I think just having one committee room operating--for instance, at this stage when you have free trade, constitutional reform and many specific pieces of legislation out before a committee--is not giving people full access to what is happening in this place.

From my perspective, although I agree exactly with what Jack has said in terms of dealing with this in the context of the preservation of the buildings and saying the agenda for that preservation must be moved up, I also do not want it to be lost that one of the goals I would hope comes forward is that we do extend the TV coverage of committees.

Mr. Chairman: While we are dealing with that, it is not part of this

report, but all of you viewed the video earlier with regard to an appeal that the public should phone in and start voting for one committee over another. I am just wondering whether you want to deal with that today or you want to leave that in limbo or do you want to deal with it later?

Mr. R. F. Johnston: I see it as part of the number one issue which we have put over, which is the promotion side of things.

Mr. Chairman: We could deal with it under one, then. It also fits in here, but we could deal with it under one.

Mr. Somerville: Mr. Chairman, before we go on, I wonder if I could be involved in your restoration plans if you are involved in television or expansion of the facilities or the audio arrangements.

Mr. Chairman: We will keep that in mind. Obviously, we do not know to what extent this committee will be involved. We would very much like to be involved. We could not give any commitment on that now, but we will keep that request in mind.

"7. Investigate the use of the media studio for the production of new programming for broadcast over the satellite." Comments?

Mr. R. F. Johnston: To kick it off from what I was understanding about it, I would like to see proposals for how that would work, what would be the first thing that would be made available and to whom. The suggestion initially, the example used, was long-distance communication, prepackaged communication by members, but I wonder if we could maybe get some kind of a proposal for how it could be used most effectively. I would be interested in seeing more information on that. I am sure all members would.

Mr. Chairman: Anyone else? Is that a consensus then for more information?

"8. Development of a new policy and guidelines for the utilization of unused transponder time." Mr. Somerville, do you have any comment on that?

Mr. Somerville: Just that the last session where the committee asked for more input and some guidelines to that, one of the parts was I was to wait for more requests. I would like to report there have been no other requests since the last time we had the decision on the Multifaith Service and no indication there are any in the works at the moment.

Mr. Chairman: Let us just defer that until we get more information.

Mr. R. F. Johnston: One of Mr. Johnson's, Wellington-Dufferin-Peel--

Mr. J. M. Johnson: Wellington.

Mr. R. F. Johnston: Pardon?

Mr. J. M. Johnson: It is Wellington. I lost Dufferin-Peel.

Mr. R. F. Johnston: Just Wellington? Did they take that away from you?

Mr. J. M. Johnson: Yes.

Mr. R. F. Johnston: Unthinkable. Mr. Johnson, Wellington, raised a concern about process there. Does that follow in here? Do we have a consensus on the concern that was being raised about--

Mr. Chairman: The contracts?

Mr. R. F. Johnston: The contracts, and then what the understandings are? Is this where you want that dealt with?

Mr. J. M. Johnson: Yes. I assume that what I said earlier would be remembered.

Mr. Chairman: In drafting the contracts.

Mr. J. M. Johnson: That we do not tie ourselves into something.

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Mr. Chairman: The clerk indicated that already was the case, but you just want to make sure it is underscored with regard to those contracts?

Mr. J. M. Johnson: Yes, if we are dealing with them point by point, it should be.

Mr. R. F. Johnston: And that it is part of the policy.

Mr. J. M. Johnson: Yes.

Mr. Chairman: We will go back to item 1: "We will broadcast on Sunday afternoons a repeat of the first 90 minutes of all afternoon House proceedings. This broadcast will begin at 12 p.m. and run until 6 p.m. approximately." Comments?

Mr. Sterling: Why do we have to repeat it? That would be repeating it three times, would it not?

Mr. Somerville: No, this would be the second repeat.

Mr. Sterling: I know, but 12 to 6 is six hours, and 90 minutes--

Mr. Somerville: It is an hour and a half every day, Monday to Thursday, four days.

Mr. Sterling: Oh, I see.

Mr. Polsinelli: My concern is the programming you would be showing. You would be showing the proceedings of all week in that four- or five-hour period. Would it be strictly question period, or what per cent--

Mr. Somerville: It would be the opening of the parliament right to the end of question period.

Mr. Polsinelli: You are going to have four or five hours of question period on Sunday afternoon. I think anybody nuts enough to watch that for three or four hours is going to have an even further skewed perception of the work this Legislature does. If the committee decides to go for the full five-hour repeat, then I think that rather than limiting it to question period, perhaps a selective portion of the week's activities should be rebroadcast.

Mr. R. F. Johnston: Can I get to edit it?

Mr. Polsinelli: Yes, if you want.

Mr. R. F. Johnston: It is a deal.

Mr. Polsinelli: I do not particularly care what portion of the week's session is rebroadcast. Personally, I would not want to see four or five hours of question period on Sunday afternoon. It may be interesting to show maybe the first half hour of question period every day, where you get the leaders' questions and maybe one additional question, and then maybe--and this is just from the top of my head; I do not know--some of the debates on the particular bills; or, even more selective than that, maybe one question period, which could be chosen by someone, and then some debates on particular bills and the like. I am just concerned that I do not want to see the four or five hours of question period.

Mr. Somerville: Yes, I think this item was raised by other members who have said to me on numerous occasions there was too much emphasis put on question period. That is the only item run on TVOntario. Our idea of packaging the complete 90 minutes from opening to the end of question period is to try to let the viewers see the other business that happens in the House before question period and to get as many members as possible over the system because we have a lot of members on their feet during that first half hour.

Mr. Chairman: I am wondering whether people have difficulty having their afternoon nap on Sunday, have difficulty falling asleep and want this program to help them.

Mr. Somerville: No, I do not get that feedback from the audience and the people I speak to. They would like more of the system. Also, I think the members would like to use more of the satellite and transponder time. This is one way of cleanly packaging six hours of parliamentary business with no editorial content and no worries about that.

Mr. J. M. Johnson: I understood, Mr. Somerville, that you said earlier the cost would be around \$27 an hour.

Mr. Somerville: Yes.

Mr. J. M. Johnson: So we are not talking about a major cost. I do not think it is a major program. If we tried and it did not turn out to be acceptable, it could be dropped quite easily.

Mr. Somerville: Yes, sure.

Mr. J. M. Johnson: If we are interested in making better use of our system, it may be a good way to test it to see how it works out. I certainly could not support the idea that we would be televising certain segments of a day and leaving it up to people to make that determination because it would become political.

If you go for the 90 minutes, you know every day that it is the same 30 minutes before question period and 60 minutes of questions that is going to be on. But otherwise, it is too political. You would pull out a major speech by Norm Sterling and everybody would have to watch because there are five hours.

Mr. Faubert: I have not seen those.

Mr. R. F. Johnston: I have several of them on my home video.

Mr. Somerville: I am hoping that with making this available, the members here would tell their constituents about it. As you know, in members' statements there is quite often a local item introduced. The member could phone the riding association and say, "Listen, you can see this item on Sunday."

Mr. R. F. Johnston: I think I understand Mr. Polsinelli's concern, but I do not see an easy way around it because of the problem of editorial control that would be involved. If there were some means of doing it so that you could do the last two question periods of the week, so they were more current for people, and some other package of committee or debate that you could guarantee was not going to be skewed in terms of one party or another, then I would say let us go for that kind of mix to show the reality of how this place works. Frankly, I do not know how you would do that. You could not do it by committee on an hour and a half basis, say, of one day's committee sittings, because you might very well be leaving in the middle of discussion of something, which nobody would see the next week at all. They would be wondering what in the heck that was all about.

Mr. Chairman: You could tune in again next week.

Mr. R. F. Johnston: But there would be no guarantee it would come on. You could try to establish an interparty group to try to monitor that and work on that, I suppose. That would be one option, if we wanted to make work for ourselves, and see if we could hammer out a means of deciding what would fill the other portion of it on a regular basis to try to get across that broader view of what we are doing. Without having that in place, I think you are stuck with either doing nothing or doing the rebroadcast of at least the extended period, so that people can see private members' statements and hear statements and hear a little bit of the ordering of business.

Mr. Polsinelli: What if we went for a rebroadcast of Wednesday's first 90 minutes and then all of Friday's proceedings, in which case you would get the last two question periods, but you would also get all the proceedings--

Mr. R. F. Johnston: I find Friday question periods boring.

Mr. Polsinelli: I am sorry: Thursday proceedings. One of the most interesting things we do down here is the private members' hours on Thursday mornings. There is no reason why those two hours could not be on as part of that package, for example, where you are debating from scratch a number of issues, at least two issues, every Thursday morning.

Mr. R. F. Johnston: That is two hours, we know that specifically,
so--

Mr. Chairman: But when we are talking about six hours, do not forget you are talking about pre-empting the Wawatay group, having them move earlier or later. It may not be convenient from their standpoint to do that. I am not sure. I am not for a moment assuming you do not have the authority to do it. I am just saying keep that in the back of your mind, that in fact that is a consideration.

Mr. Sterling: I guess there is a reason to start at 12 noon, but I do not know how wide the whole audience is going to be for this thing, anyway. If somebody is crazy enough to turn it on at 12 noon, they may be crazy enough to turn it on at 9 a.m.

Mr. Polsinelli: They actually may be crazy enough to believe that we are down here on Sunday.

Mr. Sterling: So why not make your calculation and go from five o'clock back to wherever you need to go. In general, I do not think you are going to get away with 90 minutes a day for question period. Very few question periods end at three o'clock. Most of them go until quarter past or 10 past or 20 past. You are going to be eating into the other users' time on a number of occasions. I think you have to be pretty definite with them, that they are in fact going to get on at whatever time you promised them they are going to get on.

Mr. Reycraft: I understand the proposal to mean it is the first 90 minutes of each day's session that is going to be rebroadcast on Sunday afternoon. In all likelihood, that would not be the entire question period.

Mr. Sterling: It is going to be pretty silly that in the middle of a question or response you are going to have to cut off.

Mr. Reycraft: No. There is usually a fadeout. The feds do that.

Mr. Chairman: Do you want to respond to that, Mr. Somerville?

Mr. Somerville: Yes, if I could. We picked the four days, being an average. Sometimes question period comes on earlier, maybe 20 minutes after the House opens. We are hoping that, over the four days, the six hours will average out. Maybe I could add, after Mr. Polsinelli's suggestion that we should go with private members' bills, we could start at nine in the morning and finish at five. That gives eight hours of programming for the same cost. I have to pay somebody eight hours to come in anyway. Why not broadcast eight hours instead of six?

Mr. J. M. Johnson: It sounds like a good idea to explore, if it is feasible.

Mr. Somerville: If we get approval, and I think we will.

1550

Mr. R. F. Johnston: There are several things out of this. That would be one option. If we decide on that, I would like to think about how that affects the Wawatay people. We are then taking so much time of a Sunday. In terms of their timing and when that would fit in for them, we should perhaps just check with them to make sure that would not be inconvenient for them.

Another option might be to do the last two question periods, 90 minutes, the Wednesdays and Thursdays, and to do private members' public business from Thursday as well which would be an extra two hours, which would be five hours of programming; do it that way.

The difficulty, of course, with private member's hour is that they are sometimes pre-empted. I would presume that on those weeks that would mean adding an extra question period or two to fill in if we were being pre-empted, or have some means of automatically slotting in whatever is going into that Thursday morning slot. The two hours that we know, 10 to 12, would be automatically used. That would be difficult when we are dealing with legislation and coming in in the middle of debate sometimes. I think that would be awkward for people.

If we have the range we are hearing here of being able to go as much as eight hours, then I would favour trying to add in something more than just question period and statements in the House so that people would get an idea of what is going on. Probably the only way you could control that in a way that would not offend the parties or not require monitoring would be to have a private member's hour. Even then, the Liberals, with a huge majority at this stage, would of course get a major benefit that the opposition parties would not get.

Mr. Chairman: is there any particular recommendation then? I have heard different recommendations here. I think what you had better do, Mr. Somerville, to be accurate on this whole thing--the trouble is that the composition of the committee changes from time to time--is maybe to go back to the Wawatay group, find out what its thoughts are with regard to this matter, look at some of the tapes and then come back to the committee.

Mr. R. F. Johnston: I am sensing we are very close to a consensus, if Wawatay is not offended.

Mr. Polsinelli: Wawatay starts at five, I believe. If we go with Mr. Johnston's proposal of the five-hour package, being the 90 minutes from Wednesday and then private members' hours of two hours on Thursday morning and then 90 minutes in the afternoon, you have your five-hour package starting from 12.

I think at least initially that is a nice mixture, particularly if you do not have the two question periods going on side by side and we broadcast it chronologically; that is, the Wednesday session, then start with the private members' hours on Thursday morning and then the 90-minute Thursday afternoon session. I am happy with that plan, at least to see how it would start working.

Mr. Chairman: Can I get a clarification. When you are talking about Wawatay time and you are talking about staff time, you still need staff on when they are being broadcast, do you not?

Mr. Somerville: No, we do not have any staff on the assembly at the moment.

Mr. Chairman: Who triggers the switches?

Mr. Somerville: The TVOntario staff.

Mr. Chairman: TVO, and then do we have to pay TVO?

Mr. Somerville: No.

Mr. Chairman: Who pays TVO?

Mr. Somerville: They have to be here anyway for their own service. There is no additional cost.

Mr. Chairman: They are there anyway from point A to point B, which encompasses that period of time.

Mr. Somerville: Yes.

Mr. Sterling: The trouble is that it is not always uniform during the year. You have to have a starting time so that people know when the

parliamentary broadcast is going to be turned on. During this week, we would not really have anything to put on, would we? Then in other weeks, I guess, there are some other things that are perhaps of more interest; for instance, the budget when it comes down. Probably that Sunday should be the budget plus the response of the two parties to the budget. Then when we get into the throne speech, you might want--I do not know whether anybody would want to listen to the throne speech again, but the mover and--the response of the two members. I guess this is better than nothing, but I think with a little bit more work you could probably have a better package that would be agreeable to everybody as well.

Mr. R. F. Johnston: I think Mr. Sterling has a couple of good ideas actually, if we could work it out in some way. For the time used around the budget debate, the Treasurer's statement and then the responses by the first speakers for the other parties, if we could work that out to be a five-hour package or whatever our period of time was, that would be a very good thing to have replayed on that particular Sunday. It would be understood that it would pre-empt the question periods and the private members' hours.

The difficulty I see is the parliamentary tradition we have here of no control over the time taken on budget speeches by people, working that out. An agreement might be something we would have to take to the House leaders to see if it could be accommodated, but I agree it would be of more interest to people in that week than would specific private members' legislation.

I was going to say that as long as we have the same starting time, it does not matter if our endings are a little ragged, but I guess it does if Wawatay is on the same channel.

Mr. Somerville: Wawatay would come on, but we could fill in the time between the finish of whatever you decide to program on the Sunday until Wawatay starts up. Ideally, we would not overrun and cut. We would try to back time so that we did not overrun and cut.

Mr. Faubert: We are not worried about running short. We may be running over. Is that what it is?

Mr. R. F. Johnston: That is possible. I was just thinking that it could possibly work with the budget. What do you think, Mr. Sterling?

Mr. Sterling: I think what we should do is set a definite rule, as Mr. Polsinelli has put down, that the first priority is the two last question periods plus private members' hours of the week. That is number one. Number two is if private members' hours are cancelled, then we go the three last days.

Mr. Polsinelli: Which happens once or twice a year.

Mr. Sterling: Then with regard to the budget, it would be substituted on whatever format the House leaders agreed to. It could be the same with the throne speech. If the House leaders wanted to substitute something else, it would take unanimous approval to substitute something else. In other words, if there was a constitutional debate or something which they thought was important, they could do that. They now work out what is going to be in the Amethyst Room. I am sure they could do the same in terms of this. I do not know how much advance notice you need. How much?

Mr. Somerville: Thursday is fine.

Mr. Chairman: OK. Is that agreeable? Carried.

Item 2: An additional half-hour of House business will be closed-caption every sitting. This will allow the total six-hour Sunday broadcast to be closed-caption. At present, only question period is closed-caption on TVOntario, broadcast 11:30 p.m., Monday to Thursday.

Mr. R. F. Johnston: This would mean closed captioning private members' hour. Is that a problem?

Mr. Somerville: Yes, I think we would be over a bit. If you would like to give me direction to closed-caption the items we are broadcasting Sunday, then I would tailor this item to fit that, which would be the extra half hours on the Wednesday, Thursday, and if private members was cancelled, then I would try to catch up and do the first half hour on the Tuesday as well. I would try to closed-caption all the replays for Sunday, whatever the programming mix would be. I would make closed captioning comply with the Sunday broadcast.

1600

Mr. Sterling: The trouble is that we will not know until Thursday what you are going to be putting on on Sunday.

Mr. Somerville: We would have a problem on budget day and the speech from the throne, but I think normally the private members' bills are usually cancelled earlier on in the week.

Agreed to.

Mr. Chairman: Replacement of the audio system in one committee room: We have already dealt with that. I think that pretty well concludes this part of the afternoon. We have another aspect to consider.

Mr. R. F. Johnston: There is one item that Mr. Reycraft raised. I wonder if we have a consensus on that at all.

As I understood it, at the moment we have three seconds for two lines and six seconds for three lines and they are replayed every 10 minutes. I am wondering if, as some kind of a compromise in this, just to see how it would go, whether this would be practical--and maybe Mr. Somerville can respond to this--we could go to a flat six seconds, no matter whether it is two or three lines, and during speeches, etc., there would be a replay every five minutes rather than every 10 minutes. Can we try that?

Mr. Reycraft: It sounds like a reasonable compromise.

Mr. R. F. Johnston: Is that feasible?

Mr. Chairman: Could we try that to make the constituents happy?

Mr. Somerville: Yes. No problem.

Mr. Chairman: OK. Is there anything else we have not dealt with on those two pages that members have raised? If not, let us turn to the last item, committee advertising. "Consideration of advertising policy for standing and select committees."

Mr. Somerville, thank you very much. We appreciate your input today and the recommendations. We will get back to you through the clerk with the other items that were left in limbo.

Mr. Somerville: I thank the committee for its time and interest.

Mr. Chairman: We will see you on television.

Mr. Somerville: I will see you on television.

Mr. Chairman: Mr. Clerk, do you want to draw to our attention the reason this particular matter is before us? If you recall, we had some advertising for some committee hearings. There was some concern expressed about some of the aspects. Maybe you can mention some of the costs involved and some of the problems encountered.

Clerk of the Committee: This arose out of the hearings on Bill 1, the Members' Conflict of Interest Act, and we were considering the advertising budget for it. At that time, the committee decided to advertise in both English and French in all of the daily newspapers across the province.

At the suggestion of Mr. Breaugh, it was put back on the agenda because he felt, and the committee agreed, that some sort of recommendation should go out to all the committees so that there is a standard policy that the committees will follow right across the board when it comes to advertising.

As to the cost for the advertising, just to give you an idea, for that bill, to advertise in both English and French in all of the daily newspapers in the province was almost \$30,000.

Following the committee's decision to review this again, I contacted Linda Morris. At that time, she stated that the policy of the government was that you advertise in English in English newspapers and in French in French newspapers. If you are doing a broad, across-the-province ad, say, in all the dailies you should try to incorporate those ads in the French-language weeklies as well.

Sometimes we have run into a time-frame problem because committees want things done on a next day or next week basis and we usually need at least 10 days to two weeks of lead time for weekly newspapers. But that would meet the concerns of a lot of people who have expressed an interest in having the ads published in French in those French weeklies that are around.

The federal House of Commons has no policy. They said that if they advertise right across the board it would be about \$65,000 for it. When they do it, it is usually English in English and French in French, but more and more, they are going to direct mail and press releases, trying that route because of the costs involved.

Mr. Chairman: One of my concerns is that I do not understand why we want to advertise English in a French newspaper and French in an English newspaper. If you pick up an English newspaper, you can read English. Otherwise, you would not be looking at it, I would expect. Therefore, you can read an English ad in it. If you are picking up a French newspaper, you can read French and, therefore, you can read a French ad.

Mr. Polsinelli: That went around a couple of times and to me they can read French.

Mr. Faubert: I have seen committee advertising and it is bilingual. They run double columns in a great number. Maybe that is just in Ottawa, but you see that in the newspapers.

Clerk of the Committee: I asked the House of Commons about that and I was told it did not.

Mr. Faubert: I sure saw it when I was down there.

Clerk of the Committee: The Senate may.

Mr. Faubert: As a matter of fact, I will bring in a couple of samples. Maybe it is the Senate.

Mr. Sterling: What about the French weeklies? Did you say Linda thinks we should do that?

Clerk of the Committee: There are about half a dozen papers.

Mr. Sterling: Do we do it in the English weeklies?

Clerk of the Committee: Not unless we have done the complete saturation of the province. Generally, it has been the daily newspapers, and there is only one French-language daily in the province. I think one of the suggestions is that if the committee decides to advertise in all the daily newspapers in the province, it advertises in the French weeklies as well.

Mr. Sterling: If you do the French ones and you do not do the English ones, you are just asking for trouble, because they know what other people's businesses are.

Mr. J. M. Johnson: Why would you not?

Mr. Sterling: Why would you not put it in all the ethnic communities?

Clerk of the Committee: We have done that at times as well.

Mr. Sterling: I am not saying at times; I am saying as a general policy.

Clerk of the Committee: It is a matter of what community or interest group the committee is trying to reach and how much money it is willing to spend to reach that group. If you want to go to all the newspapers in the province and you have sufficient time to do it, then the cost is probably around \$20,000 to \$25,000, we would expect now. We work to reduce some of the cost and size of that.

Mr. R. F. Johnston: There are couple of issues here. One is the overall cost when you do the saturation. Going back to the infamous Bill 30, I think our bill was around \$40,000, as I recall, for doing the entire province in the summer of 1985. We felt, for political reasons, that was necessary at that time.

The thrust behind the recommendation here, as I see it, and why it does make a difference, is there is only a handful of French weeklies, anyhow. I cannot remember how many, less than 10.

Mr. Chairman: Eight to 10.

Mr. R. F. Johnston: Eight to 10 of them in the province as compared to several hundred English weeklies and ethnic weeklies. Therefore, if you are going to the daily press approach and you want to make sure you get to your francophone community, then that is a fairly cheap way to do it.

Besides the cost factor, the other, more important issue when you come down to why that rather than the saturation to all the multicultural papers, for instance, is what we were talking about this morning, that is, Bill 8. If we are giving out province-wide information about committee activities under Bill 8, as I understand it, that means we have to make sure the French-speaking electorate has access to information in a realistic way, the same as the anglophones do. The only way you can do that, if you are using the newspaper method, is by using the weeklies in areas where there is no daily at all for them to use in northeastern and northern Ontario.

I suggest that right at the moment it is not crucial for us to do that, but as Bill 8 becomes implemented, we will have to find some means of at least doing the weekly French papers on top of the one daily or we will not be meeting the tenets of Bill 8.

Mr. Chairman: I just want members to keep in mind that when you are talking about Bill 30 and you are talking about spending \$40,000, that was not a lot of money spent on a very controversial issue at that time. But when you are talking about spending almost \$30,000 on Bill 1, when we had one or two responses, each one of those responses cost us about \$15,000, I thought it was a horrendous waste of money, folks. I really did.

When you talk about the Ministry of Community and Social Services needing money for families out there and spending to subsidize newspapers to the tune of \$30,000, I just thought it was a tremendous misplacement of money. You can always say, "Look, you do not know how much response you are going to get it," but we knew there was not a great interest in that particular bill, yet we felt committed to spend it.

1610

I think we have the two extremes here. We have Bill 30 where close to 900 people appeared before the committee and we had Bill 1 where some people very well would have come before the committee whether you had advertised or not. I think it might have even been one person who came before the committee as a result of our advertising. I am not even sure of that.

I think we have to be very careful about the kind of policy we develop here so that we do not waste a lot of taxpayers' money to advertise something that nobody is interested in.

Mr. Sterling: I think the problem is that you have to make a political decision when you go in, and I am not sure that there is a general policy that you can strike on it. I really do not know. The problem with not having a general policy in a majority government is that if there is a hot issue and the members of the government party are told that it wants to suppress a hearing, then the two opposition parties, no matter how much screaming they want to undertake, cannot force the advertising.

Mr. Reycraft: Mr. Chairman, my view is not dissimilar from yours. I think the amount of advertising and the kind of advertising that needs to be done by committees depends on the issue that is before them. I do not think it is possible to strike a general policy that will apply in all situations.

Therefore, it should be left to committees to decide, as it has been in the past, on the kind of advertising they need to do and where they need to do it.

Mr. J. M. Johnson: I agree with Mr. Reycraft. I have been on many committees and each committee has different feelings of responsibility, who they want to reach and what method. I do not think we should make that decision. For members of a committee that decides on advertising that does not meet the expectations of the public, that is their responsibility and they should bear it, but not us.

For example, the petty trespass act that we dealt with years ago was extremely important for rural Ontario. I, for one, insisted that we advertise in every single weekly, and I would again for that type of situation. I do not think we can make the determination as to what should be in the best interests of each individual committee.

Mr. Sterling: I think what would be helpful, though--I do not know whether in that committee book or whatever--if we had dated costs of various methods of advertising, it would help committees come to a more reasonable conclusion. For instance, what does it cost to publish an adequate ad in all of the daily publications in Ontario? What does it cost to publish in the ethnic weeklies? What does it cost to do it in the French weeklies? What does it cost to do it in all of the English weeklies?

We would not be as anxious perhaps to overstep and spend the money if we knew what we were getting into each time. I have always heard these figures thrown around: \$20,000, \$30,000 or whatever it is. Maybe sometimes on a thing like Bill 1, if we said we are going to advertise in every daily but we are going to do it in half-size or whatever it is, then maybe that is what we should have done there and gone for \$15,000. I do not know if that is possible or not.

Clerk of the Committee: The clerk's office has worked to try to reduce some of the size and work with the advertising agency to get the ads to stand out more, and we have reduced the ads from about \$12,000 or \$13,000 to \$10,000 for an ad right across the province, which is just a standard two-paragraph ad.

The committee did not seem to understand this when we discussed Bill 1. Once you go to a bilingual ad, your costs double. You cannot get out of that. No matter what way you look at it, the costs double and usually more than double, because the French language takes more words to express oneself in it.

Mr. Sterling: For my part, I do not see the logic behind a bilingual ad in newspapers. It does not make any sense, as Mr. Epp says, and I am quite willing, if it takes more space in a French ad to add a little bit more space in order to do it. But it does not make any sense to have English in *Le Droit* or French in *The Citizen*.

Mr. Chairman: It does not do the people in Kitchener-Waterloo any good to have a French ad in the K-W Record. Not one person came up to me and said, "Look, we are going to vote for you because you put a French ad in that paper," and they will not either. It is a terrible waste of money, honestly.

Mr. Faubert: One of the things we are debating, and I think Mr. Sterling has touched on part of it, is that many times it comes before a committee and the committee asks, "What is being done in advertising?" There is great pressure, including the political aspect of whether you advertise or

do not advertise. I think you need an early kick-in period and a determination that you are going to advertise at a particular point in time.

That is the thing. I have only been on three committees. It seems that every time it gets into a controversy about advertising, it is because no one liked the fact that the advertising was not done by the time the committee started to sit. You cannot have a general policy that you always advertise. It cannot apply to all issues in all committees. It seems to me that there has to be a mechanism kicking in at particular times, so that is determined. Whose responsibility that is, I do not know. I know in one committee we sat on, it was left to the chairman and one member of each opposition party to determine the policy. In the end, no one agreed that was the policy that was determined.

If we had a time at which that decision is made, so the advertising is already in place by the time the committee sits--Can we not determine something like that?

Mr. Chairman: What we are talking about is merely a guideline--

Mr. Faubert: Yes, a guideline that it should be done at this period.

Mr. Chairman: --that committees might adopt but not that they are bound to, because we cannot bind another committee to adopt a particular policy on it.

Mr. Faubert: OK, but then there is the idea of Mr. Sterling's that we should understand clearly when you make a decision what the dollar figure is on that decision. It is fine for everyone to say, "Let's advertise everywhere." No one recognizes that could cost you. We almost had that at one committee hearing.

Mr. Chairman: I understand that the clerks have all that information.

Mr. Faubert: I think committee members should be well aware of it.

Mr. Sterling: Is there agreement in this committee that it is crazy to have bilingual ads in English newspapers and bilingual ads in French newspapers?

Mr. Faubert: It depends on the market, where they go. What about Sudbury?

Mr. Sterling: Is the Sudbury paper all in English or all in French?

Mr. Faubert: It is probably English, but that does not mean readers are only English readers.

Mr. Sterling: If they understand the rest of the paper, could they not understand an English ad?

Mr. R. F. Johnston: A few points. I think we are debating something now which is not up for debate, that is, bilingual ads. The recommendation before us in fact is suggesting not having bilingual ads. It is not even a recommendation which is limiting the scope of what a committee can decide, if you read it; it is basically suggesting a guideline for what you would do if you were doing a daily ad.

The one controversial part of it seems to be whether French-language weeklies would be added to that if you were doing all the dailies in both languages; the other is speaking about specific areas and trying to be sensitive to those areas which have been designated bilingual as identified under Bill 8, and saying that in those areas you may want to have a specific strategy. It does not limit a committee that decides it has to go to every weekly in the province, that for reasons of dealing with a specific topic, it has to go to all the weeklies. I think that is important to remember.

There are two other things. One is that the most important thing, in my view, has been the nature of our ads in terms of what the content is more than where they are placed often, whether people understand what is going on. The language we use in them is often more confusing than it is in zoning applications as you see them in newspapers. We should be trying as much as possible to making what we want out of the bill or legislation to be what is understood and not just our jargon for dealing with these things. I think that is much more important, in terms of getting people to participate, than some of the other things.

1620

I wonder if it is not possible, as we expand our use of the media here, to use the cable systems, which are now in 82 cable systems across the province, as a means of advertising upcoming committees in both languages, what they are going to be dealing with and when, and make sure that is ongoing policy.

Clerk of the Committee: We have been doing that as a routine matter. When committees are advertising, we put it on the TV system across the province.

Mr. Faubert: Did they do it? I do not recall seeing them in Scarborough.

Clerk of the Committee: It does not show all the time, but it shows just before the repeats, between the time the House ends and the--

Mr. Faubert: We do not do it on the news; the roll-up, they call it.

Mr. Chairman: Yes.

Mr. Polsinelli: I agree with Mr. Johnston, I agree with Mr. Sterling, I agree with the other Mr. Johnson and I also agree with Mr. Faubert, who have spoken on this issue. I think it is the type of issue this committee cannot come to a decision on. What we should do is recommend that the status quo remain and that each committee decide whether it should advertise, where it advertises and the content of the advertisements, and I so move.

Mr. Chairman: There is a motion that we not change the present policy, which is not to have a policy.

Mr. Polsinelli: No, the policy is that each committee--

Mr. Chairman: The policy is that each committee decides on its own. Is everyone in favour of that policy, that every committee decide on its own?

Mr. Faubert: No.

Mr. Chairman: Just a moment. There is a motion. Do you want to speak to that?

Mr. Faubert: Yes, I am prepared to speak to that, just on a point of clarification.

Mr. Polsinelli: The intent of the motion was to curtail debate. If we are going to have a debate, I will withdraw the motion.

Mr. Faubert: No, I just want to clarify something on that. Is there a policy now that says all committees determine--

Mr. R. F. Johnston: The committee has the right to determine what it is going to do.

Mr. Faubert: Why do we not just put that forward as the policy?

Interjection: That is not the policy.

Mr. Polsinelli: It is the policy.

Mr. Sterling: I think Mr. Breaugh's concern was that there were not any kind of guidelines or people did not think about it before they walked in and made a decision, and that is what he is asking us to do. I could formulate a policy right now in terms of what I would agree to. First, I would say the advertising for a committee's hearing has to depend upon the political sensitivity of the issue, and that part of it has to be decided by the committee.

Mr. Polsinelli: What is political sensitivity?

Mr. Sterling: Second, the options are (a) to advertise--

Mr. Polsinelli: Mr. Sterling, you are putting forward a policy and saying that whether a committee advertises or not depends on the political sensitivity of the issue. Does the political sensitivity of the issue also include the feeling of the committee members with respect to the general application of a particular bill or issue and general interest in making presentations, or does political sensitivity mean as defined by a particular party's ability to garner further votes? Effectively, political sensitivity means nothing.

Interjections.

Mr. Chairman: I think this thing can go on and on. Mr. Sterling, do you want to just--

Mr. J. M. Johnson: No one is going to pay any attention.

Mr. Chairman: Go ahead, Mr. Sterling.

Mr. Sterling: I think that by abandoning it, we do not do a service to the future of committees and more money is going to be spent than is necessary in the future.

Mr. J. M. Johnson: I am not sure. I think you are allowing the chairman and the committee to make their own determination, and that is something they should do.

Mr. Sterling: OK, I give up.

Mr. Chairman: Just to clarify that, I know every time this comes up people ask, "Is there a policy?" Although there would not be a policy, there would be a recommendation. Then they would ask, "What is the recommendation?" You would come forward with a recommendation and they would either live with it or change it, but at least there would be a guideline. I think that was the purpose of Mr. Breaugh's recommendation. I know that in the committees on which I have sat, people ask, "What is the policy?" Every time a public hearing comes up, they ask, "What is the policy or what is the recommendation?"

Mr. Polsinelli: On the issue of policy, policy is either established in the sense of its being a written policy or policy is established by practice, precedents and experience. At least in my limited experience in this Legislature, I have determined that the policy with respect to advertising is that the committee determines whether to advertise, the content of the advertising and the distribution of the advertisement, subject only to the restrictions of its budget.

Mr. J. M. Johnson: This committee recommends that committees use common sense.

Mr. Polsinelli: That is right.

Mr. Sterling: My experience of 10 years here is that you do not usually come to a logical conclusion in determining that. That is why Mr. Breaugh, I think, wanted to have this committee talk about it in some depth and try to define some guidelines. If we cannot do it--

Mr. R. F. Johnston: I presume we are going to come to a vote shortly. I just want to go on record as supporting the recommendation that was presented to us. I think it is a useful guideline for committees. It allows them lots of leeway in terms of how they operate and still respects the development of French rights in this province, which I think we are going to have to reckon with.

Mr. Chairman: The recommendation being that each committee establish its own policy?

Mr. R. F. Johnston: No, that is a motion. The recommendation that we have been discussing, and which is now being pushed aside, is to say that we should go back to just letting committees decide. I prefer what is down here, which was presented to us as a motion that we could consider. I prefer that guideline which allows committees to decide, but has some specific suggestions. I just want to go on record as saying that as we take the vote.

Mr. Polsinelli: If we establish a guideline that is nothing more than a guideline, and each committee is later able to decide its own policy anyway, then the guideline is going to be quite meaningless.

Perhaps what we should do is defer discussion of this until we have a discussion of the standing orders, at which point, if we can reach a consensus, then we make a recommendation that the standing orders be amended so that it no longer is a guideline but a standing order that the committees have to abide by.

Mr. R. F. Johnston: You are speaking against the motion.

Mr. Polsinelli: If we go by establishing a guideline, we have done nothing but effectively substantiate my motion, which is to let the committee decide.

Mr. R. F. Johnston: We need a ruling. Is he speaking for or against the motion?

Mr. Ballinger: We are not sure.

Mr. Chairman: I have a motion on the floor put forth by Mr. Polsinelli. If he leaves the motion on the floor, we are going to have to vote on it, unless there is a motion to defer, which he has spoken in favour of, but I am not sure he is--

Interjection.

Mr. Polsinelli: My original motion stands.

Mr. Chairman: The original motion is that we take the position that each committee make its own rules with regard to advertising. That stands. Is that correct?

Mr. Polsinelli: I am sorry, that each commission?

Mr. Chairman: Each committee. The present policy is that each committee make its own rules with regard to advertising, and you want that to stand.

Mr. Polsinelli: That is exactly it.

Mr. Ballinger: On a point of qualification, is that exactly what is happening now?

Mr. Chairman: Yes.

Mr. Ballinger: So it is the status quo.

Mr. Chairman: That is correct.

Mr. Ballinger: The purpose, as I understand it, for discussion was that one of the members, Mike Breaugh, brought it before the committee to discuss an alternative. At this stage, in all fairness to Mike, would it not be fair to table it until such time as the member who proposed it at least has an opportunity for input.

Mr. Chairman: A motion to defer?

Mr. R. F. Johnston: You have to withdraw the motion. You cannot have two motions on the floor at the same time.

Mr. Chairman: A motion to defer, you can.

Mr. Polsinelli: A hoist motion.

Interjections.

Mr. Chairman: Is there general consensus that we defer this matter for future consideration until Mr. Breaugh has a chance to speak to it? All those in favour? Agreed.

There is one other item before we leave and that is that there is a recommendation that we meet next week on Monday, Tuesday and Wednesday as opposed to meeting on Tuesday, Wednesday and Thursday, given the fact that Friday of next week is Good Friday. Is there any particular consensus that we meet on Monday, Tuesday and Wednesday of next week rather than on Tuesday, Wednesday and Thursday?

Mr. R. F. Johnston: I do not have any problem with that.

Mr. Chairman: All those in favour of meeting next week on Monday, Tuesday and Wednesday?

Mr. Polsinelli: Why do we not wait until tomorrow morning?

Mr. Chairman: Decide tomorrow? OK.

Mr. J. M. Johnson: One other very small matter. Is there any possibility we could change the order of business tomorrow and have the restoration and preservation of the parliament buildings first?

Mr. Chairman: When do you want that?

Mr. J. M. Johnson: Because I might have to leave early in the afternoon and I would like to participate.

Mr. Chairman: You would like that next week some time?

Mr. J. M. Johnson: No.

Mr. Chairman: Have it first?

Mr. J. M. Johnson: Just change the order tomorrow.

Mr. Chairman: I do not see any problem. OK, that will be changed and we will have it on first. Thank you. The committee is adjourned until 10 o'clock tomorrow morning.

The committee adjourned at 4:30 p.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

ORGANIZATION

RESTORATION OF LEGISLATIVE BUILDING

MEMBERS' PRIVILEGES

MEMBERS' SERVICES

WEDNESDAY, MARCH 23, 1988



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)

Breaugh, Michael J. (Oshawa NDP)

Cordiano, Joseph (Lawrence L)

Faubert, Frank (Scarborough-Ellesmere L)

Johnson, Jack (Wellington PC)

McClelland, Carman (Brampton North L)

Polsinelli, Claudio (Yorkview L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

Swart, Mel (Welland-Thorold NDP)

Substitutions:

Ballinger, William G. (Durham-York L) for Mrs. Sullivan

Johnston, Richard F. (Scarborough West NDP) for Mr. Swart

LeBourdais, Linda (Etobicoke West L) for Mr. Morin

Reycraft, Douglas R. (Middlesex L) for Mr. Cordiano

Clerk: Forsyth, Smirle

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, March 23, 1988

The committee met at 10:25 a.m. in committee room 1.

ORGANIZATION

Mr. Chairman: I call the meeting of the standing committee on the Legislative Assembly to order.

First, you recall that yesterday, just before we adjourned at 4:30, we decided we would leave till this morning the decision of when we will meet next week. The suggestion has been made that we meet next week on Monday afternoon, Tuesday all day and Wednesday all day rather than Tuesday, Wednesday and Thursday. If there is agreement among committee members on that, then we can proceed on that basis and just move everything ahead, the business we were going to do Tuesday to Monday afternoon and so forth, subject to changes that we make from now till next week.

Mr. J. M. Johnson: That sounds good.

Mr. R. F. Johnston: In principle it sounds good to me. The only trouble is that I have not had a chance to talk to the whip. I will not be in next week, so I am not sure if the change to Monday causes him difficulties. I can do that this morning. If there is a problem, I would like to have a chance to raise it with you. If there is not, then we will just go ahead presuming that Monday is fine.

Mr. Chairman: OK. We will go on that basis unless you draw our attention to some changes that might be made.

Second, Mr. Johnston has a problem with tomorrow morning. In order to accommodate his revised schedule, I would like to suggest that we not sit tomorrow morning but that we come back earlier tomorrow afternoon, at 1:30. I think Richard would be able to make it at 1:30.

Mr. R. F. Johnston: Sure. Or if you think we can do the business from two o'clock on, as Jack Johnson thinks we might be able to do, then even starting at two would be fine.

Mr. Chairman: That is on page 2 under Members' Services, and Jack Johnson had some concerns. If we can just go over very quickly some of the concerns that members might have, it will give us a better idea of how much time we will need tomorrow afternoon regarding members' services. Mr. Johnston, do you want to start with that, very quickly, as to what your concerns are? We do not want to get into detail about discussing it. We just want some basic subjects that we are going to discuss on that.

Mr. J. M. Johnson: I did not even bring the list with me. It certainly is not a long list. It is just that I guess as caucus chairman, on different occasions some of the problems members have are brought to my attention. We usually have to rely on the whips or the House leaders to work them out.

I think some issues go beyond House leaders. They are really matters for the Speaker or the Minister of Government Services (Mr. Patten) pertaining to the buildings. One that was a problem in the past that is pretty well resolved now, of course, is office space. It has been pretty well settled.

I wonder if maybe we should have some format whereby we deal with office allocation, parking allocation and things of this nature, rather than leaving it with a few individuals. Perhaps some committee of the Legislature should deal with it.

At one time, I was told that I had to move my parking spot that I have had for many years because all the Liberals wanted to be in one group, all the Conservatives in one group and all the New Democratic Party in one group. We were talking the other day about sitting together. Surely our cars can park beside each other without creating problems. These are some of the asinine suggestions that come from someplace.

Mr. Chairman: You mean somehow or other your car radiates secret information to the car next to it?

Mr. J. M. Johnson: I was thinking the other way, vice versa. Anyway, that was resolved. When I raised this issue, that was one of the outstanding issues. Several of our colleagues did have the problem but it was resolved. Common sense prevailed.

There are many small things. For example, over in the east block, when you come in the Speaker's door, on the right-hand side there is a clock. The clock is still on daylight saving time. In another few weeks, we will be back on par, but for six months we have run an hour ahead, and that is right beside the information desk. Who has the responsibility for looking after those things? Surely this committee does not have to go around setting the clocks. But when there is a complaint, to whom do you take it? To the Speaker? To the chairman of this committee? To the Ministry of Government Services?

These are some of the small things that I feel we should clear up.

1030

Mr. Chairman: They are small but they are irritating. They really are. I know that in our caucus room we had a clock that was never on time. I could never understand why they could not spend \$100 and get a battery clock. It would run on time for two years. You go out and buy a new battery, you put the new battery in and it runs again for another two years, and that would resolve all the labour costs on fixing up clocks. But they could never do that. They always had to have a clock that was not on time. It would be too simple to do that.

Mr. R. F. Johnston: There will be time to deal with this tomorrow afternoon.

Mr. J. M. Johnson: Someone mentioned to me about changing the office over and taking off some of the paint that had been applied and renovating it to the old style, which makes a little sense.

What authority does this committee have, or how do we handle things? What I would like is nothing more than maybe half an hour or an hour of just general discussion on how we are able to advise our colleagues to go about registering their complaints, who will accept them and what do they do about it?

Mr. Chairman: Another concern that has been expressed to me, and we have a letter on record, is a salon for the ladies. We have the barber and they would like a salon, if not immediately, then some time when there are changes made in the building. That is one thing we could discuss too.

Mr. R. F. Johnston: It sounds to me like this is something we could do, at least in an afternoon, maybe in even less time.

We want to deal with the parameters of the committee, since it has changed from being the members' services committee to the standing committee on the Legislative Assembly and talk about that for a while, I think, in terms of what the role of the committee is. It is still, in my view, the place where a private member can come and raise concerns about the way he or she sees the services to the member as being appropriate or otherwise, and any other concerns members may have in terms of their capacity to operate as private members, if they choose to use this approach. We could have that kind of discussion and then run over existing things that are raised.

It seems to me that in the long run it would be better, actually, to send a representative from each of the three caucuses, maybe from the steering committee, back to the caucuses to see if there is a list of things of concern at the moment--the regular dining room things, the exercise rooms, all those kinds of things that traditionally come up--and come back on a day when we have a specific agenda to deal with those matters.

I do not see any difficulty in dealing with the principle involved, having any things that are currently known as complaints, like the one raised by the chair or anything else Jack might have, on the schedule. We should be able to handle that tomorrow afternoon.

Mr. J. M. Johnson: A supplementary, and then I am through. I concur with what Richard says, with one exception. I do not think we should be addressing caucus. I would hope that we act as an all-party committee, that we are not tied up in the political process and that we deal with members directly. Members' services certainly should be to the members, not to the caucus.

I would like to suggest that if we can agree on a course of action, if nothing more than being a clearing board, we can take complaints from members and see what we can do as a committee. We would have a member go to each member, stating what we do have the authority to do, and clearly make sure that we do have that authority with the House leaders or whomever.

If we establish the fact that we do have some credibility, we can act as a body to take complaints from members and exercise some direction in that role. Then we should advise the members, rather than having to go through their caucus.

Mr. Faubert: That is exactly the point I was about to raise and I am glad Mr. Johnson raised it. Many members are unaware of the process or to whom they bring complaints. It is the old adage that unknown rights are no rights at all. Unknown processes are no process at all.

I think Mr. Johnson's suggestion is that we ask you, as chairman--and I am not sure of the process here--to send a letter, or instruct the clerk to do that, or for the committee to send a letter to all members indicating that this is the place to bring these, because unless we try to collect them together, all we will be doing is dealing with complaints on an ad hoc basis

as they come through a variety of ways to the committee. There are many new members. They have no idea and they complain to me, because they know I am a member of the committee, and they probably brought them to the chairman. There should be a process in which we can deal with them all, and that is probably the most logical way.

Mr. Chairman: I concur with that.

Mr. Faubert: What is the process?

Mr. Chairman: Let me just read from the standing orders on the responsibilities of this committee:

"The standing committee on the Legislative Assembly is empowered to review on its own initiative or at the request of the Speaker or the direction of the House and to report to the House its observations, opinions and recommendations on the standing orders of the House and the procedures in the House and its committees; to advise the Speaker and the Board of Internal Economy and to report to the House its observations, opinions and recommendations on the administration of the House and the provision of services and facilities to members; and to act as an advisory body to the Speaker and to the House on the television broadcast system and to conduct reviews, at least on an annual basis, of the televising of the legislative proceedings and of the guidelines established by the House with respect to the television broadcast system."

So there is a fairly broad scope of recommendations you can make.

Mr. Faubert: Are you ruling that you cannot send a letter, or should it come from the clerk of the committee?

Mr. Chairman: First, the committee in the past has sent letters to members asking them what their particular requests were.

Mr. Faubert: They have not done it on this new--

Mr. Chairman: We have not done it recently, within the last few months. We did that, I think, in the last parliament and we could do it again. I suggest that we do it.

I was just reading out the responsibilities of this committee.

Mr. Faubert: All right. Then I assume Mr. Johnson has moved that.

Mr. Chairman: That that be done. There is no motion. If there is a general consensus--

Mr. Faubert: If there is a consensus, we do not need a motion, do we?

Mr. J. M. Johnson: Are we going to sit tomorrow?

Mr. Chairman: Tomorrow afternoon.

Mr. J. M. Johnson: If we do sit tomorrow afternoon, could we concentrate on the general rather than just specifics and see if we can come up with some type of guidelines? We can instruct the clerk, for example, to notify each member that we are prepared to act in the following capacity and lay out what we can do, so they understand there is a body to go to.

Mr. Chairman: If this committee in the last parliament sent out a questionnaire, we might very well resurrect that questionnaire, find out what was on it and maybe get examples of that round and add to it.

Mr. J. M. Johnson: In the first instance, rather than a questionnaire, we could just simply advise that we are here for a purpose and then ask them to contact us if they so wish, then some time possibly in the future we could prepare a questionnaire. That is really all I am looking for.

Mr. Chairman: I think it is probably more important that we indicate to the members that we are here and that we are aware there are concerns out there and for them to give us their concerns. We can do that and we can discuss that a little more thoroughly tomorrow afternoon.

Mr. J. M. Johnson: That is it.

Mr. Chairman: We will meet tomorrow afternoon at two o'clock. I think we should probably be able to do that in about two to two and a half hours. Let us try to meet sharp at two so that we can get under way promptly.

RESTORATION OF LEGISLATIVE BUILDING

Mr. Chairman: Going to the item that is on the agenda for today, how do you want to deal with the report from this committee regarding the restoration of the Ontario parliament buildings? As you know, on page 9 there are two recommendations. All of you have had a chance to read this with the information, particularly from Massachusetts and Pennsylvania, in addition to the information you assembled in Sacramento and BC.

Mr. Faubert: It is not in this report, Mr. Chairman.

Mr. Chairman: It is in your book.

Mr. Faubert: Yes, but which report?

Mr. Chairman: It is the report on proposals for the restoration of the Ontario parliament buildings.

Mr. Faubert: OK, because there are different reports.

Mr. Chairman: That is the one we are doing right now. Any particular thoughts?

Mr. Faubert: Just a comment. Both of the legislatures that we visited, the Capitol in Sacramento and the Legislative Building in Victoria, did it slightly differently, but they formed a public input process as well as their internal structure. In Sacramento, they established a commission and a person responsible for it. Second, Victoria intended to hire an architect, a consultant and then brought in public input on that basis. I wonder whether the steps go beyond these recommendations. These talk about a committee of the House. Does a committee of the House then take that second step to make sure the heritage and historical groups, everyone has some input into the process? Will they be reporting back in that sense to establish the public input to the process?

Mr. Chairman: If a committee is established?

Mr. Faubert: Yes.

Mr. Chairman: I imagine that they would.

Mr. Faubert: I was taking it beyond this first stage. These are the recommendations that were made last year. I am looking for the date on this. Is there any thought that we will go beyond this?

Mr. Chairman: It is really what you people think about the whole process. As you know, the recommendations are here. No action has been taken on this to date. It is up to the Legislature and the government to decide what steps they want to take if restoration is to materialize.

Mr. McClelland: I am interested in having representation from this committee--you, Mr. Chairman, or representatives from all three parties--approaching and getting the respective leaders, whether it be done through the Premier's office, caucus or whatever. I think a couple of considerations are really important.

If we go with recommendation 1, I think we need to add into that, "and such other persons as those appointees deemed necessary." By way of example, it seems to me imperative that we have architectural input on a consistent basis and perhaps even on a retained basis. That is perhaps moving ahead too quickly on that, but I think ultimately that is where we want to go.

I would also like to see a dimension where the private citizen and the corporate sector are brought into a significant role in this. I think there has to be a sense of ownership in the community and throughout the province. This is not the members' House; it is the House of the people. This parliament building represents the people of the province. We need to have that not only symbolically with people, but also in reality, and have their contribution and input. Obviously, it has to be done on a nonpartisan basis. Therefore, to have the endorsement and visible leadership of all three party leaders is essential as well.

Those are the things I would like to add as corollaries to the recommendations set out. It is threefold. We have to bring in outside expertise, we want to have private and corporate representation in a significant way and certainly canvass to what extent the Premier (Mr. Peterson) and respective leaders of the official opposition and third party will play in that.

Mr. Chairman: Private and corporate, you are saying, in the sense the--

Mr. McClelland: I do not want to muse at length on this, but I have been considering it. I reflected on the work that was done with the Statue of Liberty. That essentially became a private enterprise undertaking under the chairmanship of Mr. Iaccoca. As I said, I am just musing at this point. I am not suggesting this is the route we want to go, but I see a very real possibility of having a person of distinction, having him or her take a position to represent the people of the province of Ontario. I think that such an individual, if we go that route, ought to sit on this committee with consistent input, and not just be an ad hoc invitee, but in fact a working member.

Those are some considerations that are certainly, obviously open to discussion, but that tends to be direction of thinking I am going. I think we can learn a lot from some of those models in the sense of getting people in the community and in the province involved--I think it is very important--and

communicating on an ongoing basis that this is their place. It is an investment for them, their heritage, their future and their children.

Mr. J. M. Johnson: I have no problem with that proposal, but I do think that we will go through another period of time when we will not achieve anything meaningful. We get hung up in committees and making reports that are read and tabled and forgotten.

On February 10, 1987, this committee made an excellent recommendation on page 9, "Your committee is of the opinion that it is absolutely necessary that a comprehensive restoration of the parliament building be undertaken as soon as possible." It goes on to say "immediately" and things of that nature and yet nothing has happened.

I feel that, to make our trip to Sacramento and Victoria meaningful, we should reaffirm our opinion that this committee strongly supports the recommendations made by the former committee on February 10, 1987. The things they recommended are quite reasonable at the present time, that a special committee of the House, chaired by the Speaker and the chairman of the standing committee on the Legislative Assembly and composed of one member from each of the parties in the House, be appointed to supervise and co-ordinate the restoration of the parliament building--that is excellent--and then, to assist them, that a special committee be set up, an advisory panel. They name certain groups. Certainly the groups that you mentioned could be added. The more input we have the better. I do not think we would want to do anything specific except to start the--

Mr. McClelland: Get the ball rolling.

Mr. J. M. Johnson: --wheel spinning. Once we do, then things will take their course, but if we do not do anything, then it is not going to happen. I would suggest that, to start it rolling immediately, we should invite the Speaker, and also the Minister of Government Services (Mr. Patten) should be invited. Possibly, if we could set a time next week, we could have the morning or an afternoon to meet with the two individuals and just throw a barrel of ideas and concerns at them and seek their advice as to how we should proceed. I am not saying that we should do anything other than seek advice as to how we should start the ball rolling. To not do that would be remiss. We have wasted the taxpayers' money by another trip to Sacramento and Victoria.

Mr. Reycraft: I think the ball is already rolling, or the wheel is already turning, on the project. I am not sure when things actually occurred. I know that this whole issue has been a matter of discussion at the Board of Internal Economy and consultants have been put in place to do some of the preliminary work. I think Mr. Johnson has made a helpful suggestion in recommending that we get some information from the Speaker's office with respect to where all that work stands now and find out how much progress has been made.

I know also that there has been some discussion between the Speaker's office and the Ministry of Government Services about this project. There is another whole issue here, and that is the one of responsibility, where the responsibility really lies with respect to this building. I think there is a consensus that responsibility is being shifted to the Speaker's office from the Ministry of Government Services, but again I am not clear on where that actually stands at the moment either. It seems to me a status report on both issues might be helpful to the committee at this stage.

Mr. R. F. Johnston: I concur with the last two sincere speakers. I think it would be dangerous for us at this stage to proceed along the lines of amending what we have already put forward, as Mr. McClelland is suggesting. I think that the advisory panel was a wise approach rather than having the membership on the committee given to certain people outside of here. I think it is important for people to remember that we do represent the public. That is one of the things we have been elected to do. We do have a responsibility to chair these kinds of things and to see them go through.

I think at this stage all we can do is pass on our desire for this to be cleared up and the jurisdiction question, which seems to be quite troubling at the board still these days, finally to be solved. An update on where they are at in terms of doing the background work is really just crucial at this stage. In my mind, the major stumbling block to this moving quickly is not the jurisdictional dispute between the ministry and the Speaker but is in fact the great fear of the Treasurer (Mr. R. F. Nixon) of how much this is going to cost, given some of the initial estimates of \$85 million, etc., and knowing how this would affect any Treasurer, let alone the one we have.

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Mr. Faubert: If you tend to do this, you will never know what it is going to cost.

Mr. R. F. Johnston: No, but there was an estimate around of about \$85 million. I remember the staff was looking at it at one point or other. Do you remember that one a number of years back?

Mr. Faubert: What was it based on?

Mr. R. F. Johnston: It was based on some staff work that was done of looking around at just the upgrading of the building, areas that have deteriorated, that sort of thing; not looking at things such as we have to look at, which we have been discussing the last day or two, about what we have to have in the way of size of committee rooms if we are going to have interpretation services throughout and all those kinds of things. Are these rooms really suitable for that kind of thing, or do we need to have major expansion, down or somewhere, to accommodate that?

At this stage, I think the best thing the committee can do on this is basically pressure for status reports on the issues that seem to be outstanding at the moment and find out what is impeding our first recommendation, which is that this committee be established. That is about as far as we will be able to go at this stage.

Mr. Chairman: The biggest matter that is impeding some progress is of course what Mr. Reyecraft touched on; that has to do with the negotiations that are going on in getting full control of the building with the Speaker.

I just want to caution members on one thing. I would prefer that we stay away from mentioning any figures of what it might cost us to restore the building. The problem with that is that if any figures are used, if it is 10 per cent, 20 per cent, 30 per cent or 50 per cent more, then all of a sudden the public out there says, "Look, it has already gone up another 50 per cent," or 100 per cent. It always depends on what you include ultimately in the restoration and whatever the whole project encompasses. I would prefer if we could just stay away from using any kinds of figures and just see ultimately what the options are and then go from there.

Mr. Faubert: I do not want to get into a debate on cost because obviously the proper studies have not even been done to establish what the costs might be, so there is no point in throwing ball-park figures around. But until the responsibility for the legislative precincts--and I use that word very carefully. I am not talking about just the building itself. There are precincts involved here, taking certain aspects beyond the walls of the building, as we have seen by other restorations in other jurisdictions. Until that responsibility is clarified, this will just be in limbo.

Perhaps passing or reaffirming this recommendation, as Mr. Johnson suggests, might put added pressure on that decision, because we know which comes first. The ultimate responsibility for the legislative precincts has to be established and then it can take place. Otherwise you will have within here a Speaker who is virtually powerless to make certain decisions and yet it is expected of him that he make certain decisions related to it. I would just support the recommendation to reaffirm the previous report. Maybe that will be enough to move it on.

Mr. Chairman: The recommendation is that we make arrangements to have the Speaker in to the committee to discuss the progress that is taking place.

Mr. Faubert: That is right. At this point in time, we will obviously have to have someone from Government Services.

Mr. Chairman: And also the Minister of Government Services. Hopefully, we will have them together.

The other question is whether you want that to be an open meeting or an in camera meeting. The committee will have to decide.

Mr. Faubert: Open.

Mr. R. F. Johnston: It should all be open.

Mr. Chairman: OK.

Mr. Faubert: What are we going to discuss that is going to be in camera? Just tell them not to talk about costs.

Mr. R. F. Johnston: They will not. They will not be in a position to talk about costs.

Mr. Faubert: No, they will not be in a position. Right. There is a lot of work to be done before you establish cost.

Mr. J. M. Johnson: I do not think there is any point in having the meeting unless we have the Speaker and the Minister of Government Services, because they are the two key players in the game.

Mr. Faubert: Right.

Mr. R. F. Johnston: What about the parsimonious Treasurer? Do we want him as well?

Mr. J. M. Johnson: No.

Mr. R. F. Johnston: I understand that. I do not want him either.

Mr. J. M. Johnson: We will have the minister and the Speaker some time next week if it is convenient. If the committee concurs with that, that will be one step. Failing that, if we could set up such a meeting at the first opportunity--I believe we meet on Wednesday afternoons--

Mr. Chairman: Yes, that is correct.

Mr. J. M. Johnson: --some Wednesday afternoon, hopefully in the month of April, then we can take the next step, depending on what their comments are. But at the present time, today, could we at least have a recommendation come from this committee saying that we reaffirm the recommendations of the previous committee or something of that nature?

Mr. Faubert: And that we invite the Speaker and the Minister of Government Services.

Mr. J. M. Johnson: Yes, or they could be separate.

Mr. Faubert: Or they could be separate.

Mr. Chairman: Yes, they could be separate. It would be nice to have them together, but I would not want to hold the thing up for a month because we could not get them together.

Mr. Faubert: OK.

Mr. J. M. Johnson: I feel that we must emphasize the fact that this committee concurs with the report of the previous committee. If we can establish that, the next motion or proposal could be inviting the two principals to attend.

Mr. Chairman: I just have to get some clarification from the committee. Are you making this report to the House that you are reaffirming it, or is it just for our own records to have a motion to reaffirm the recommendations of this report?

Mr. J. M. Johnson: Since we have taken the trip out west, we should have some report go to the House. What report are we going to send to the House?

Mr. Chairman: Or do you want to make the motion and then not act on it until after we meet with the Speaker and the Minister of Government Services?

Mr. J. M. Johnson: There is no urgency to prepare the report?

Mr. R. F. Johnston: When were you planning to make a report?

Mr. Chairman: The other thing that the clerk can do is to prepare a report as was prepared here on Pennsylvania and Massachusetts. He can do that on both Sacramento and BC, which would be helpful, and include that in a report reaffirming the recommendations in this report. Would that be helpful?

Mr. J. M. Johnson: Yes.

Mr. R. F. Johnston: Yes, I think especially because we will be reporting back other things, which we decided upon in the last day or so. There will be some report go in, so why not one reaffirming and then drawing from your experience in the wild and woolly west?

Mr. Chairman: If all of you read the report here--I did not travel with the committee when they went to Massachusetts and Pennsylvania, but this was extremely helpful, the approach they used and so forth. I think that would be helpful for the record and for refreshing members' memories on exactly what they saw and for the other members of the Legislature.

Mr. J. M. Johnson: As I understand it, there would be a shortened version of Sacramento's experience in their restoration, and the same with Victoria; that would be incorporated in the report.

Mr. Chairman: It would be similar to what is in here on Massachusetts and Pennsylvania. The second part of that is to try to get the Speaker and the minister in for next week, together preferably, but separately if necessary.

Mr. R. F. Johnston: If they are not talking still.

Mr. Chairman: It is not a matter of talking; it is a matter of whether they are available.

Mr. J. M. Johnson: I think we should have them together because we will never get any questions answered by having them at two different times. It will be an ongoing process. If we can arrange a time that we can have both people together, I think it will be helpful for them as well.

Mr. Chairman: OK. We will be glad to try to do that. Anything else?

Mr. R. F. Johnston: I would hate having to miss that.

MEMBERS' PRIVILEGES

Mr. Chairman: The second part, then: We have two other reports we have to look at. The other one has to do with the report on the service of process on the former member for Brantford within the precincts of the House.

You have here a report. All of you have had a chance to read that. What I do not want to discuss today, and I do not think it is going to be particularly helpful, is to get into any particular aspects of the serving of the writ on the former member for Brantford. What we really want to discuss is the lessons that should be learned there and recommendations to the House with regard to it.

I am just wondering what tack you want to take on that, what approach you want to take now that you have had a chance to read that report. I must tell you that, despite the fact that this took place in the standing committee on public accounts, and I sat in the public accounts committee, an interesting aspect of that was that I never saw it happen and neither did most of the other members.

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Mr. R. F. Johnston: It says something about the attention span of the members.

Mr. Chairman: Obviously our attention was riveted on what was going on in committee rather than what was going on in the back of the room.

Mr. McClelland: Undivided attention.

Mr. Chairman: As you know, there are a number of recommendations on page 9. If you want to, we could go through those recommendations, 10 and 11.

Mr. R. F. Johnston: Yes, I think we should.

Mr. Chairman: OK. Dealing with page 9 of that report, it says:

"Based on the evidence before the committee, your committee concludes that the service of legal process on Mr. Gillies in room 151 of the Legislative Building while the standing committee on public accounts was meeting constitutes a contempt of the House.

"A member is immune from service within the precincts of the House by virtue of a privilege enjoyed by the House in its corporate capacity on the ground that the service, or attempted service, of process in the precincts of the House is a violation of the dignity of, and an insult to, Parliament and an abuse of the privilege of admission to the precincts extended to persons by the House.

"No member of Parliament, officer or employee of the Office of the Assembly, employee of any caucus or of any member, or other person, may authorize or invite a person on to the precincts to serve legal process.

"This committee concludes that Stikeman, Elliott did not use the service of the legal documents during the public accounts committee proceedings to intimidate Mr. Gillies and the other members of the public accounts committee.

"This committee has concluded that a breach of the member's privilege has occurred. Stikeman, Elliott, in its capacity as the law firm issuing the legal documents, must assume some responsibility for the manner in which the documents were served. However, Mr. Gillies, through his staff, must also share the responsibility for the fact that a legal document was served on him during a sitting of the public accounts committee."

I can keep going? OK. Any comments up to that point?

"Your committee recommends that: The House take no action against any individual involved in this matter.

"The committee has considered the recommendation of the standing committee on public accounts that it 'consider the engagement of legal counsel to assist Mr. Gillies in defending himself against legal action arising from this matter.'

"This is not a matter which Mr. Gillies pursued with the committee and the committee therefore does not propose to make any recommendation to the House with respect to it.

"The committee is of the opinion that sufficient uncertainty exists with respect to the interpretation of section 38 of the Legislative Assembly Act that the section should be repealed and provision made to specifically prohibit the service of civil process upon any person in the Legislative Building, in any room in which a properly constituted committee of the House is meeting while the committee is meeting away from the seat of government, and in the Legislative office of a member which is not located within that Legislative Building."

Mr. R. F. Johnston: At this point, rather than us reading the whole

thing, I just want a point of order, I suppose, to understand exactly what we are doing here. We have a report from the committee which has made several recommendations.

Mr. Chairman: Yes.

Mr. R. F. Johnston: Today we are reviewing those recommendations, it seems. For what purpose? To make another report either confirming or rejecting these recommendations or to determine what has been done about these recommendations? I guess I need to know why we are doing this, why we are looking again at what the committee did at that point. Perhaps you or the clerk might help me with this, as somebody who does not sit on this committee regularly.

Mr. Chairman: I was not here originally when this report was drafted, but as I understand it, what we have to do is take a look at the jurisdiction here and find out whether any changes should be made. Maybe the clerk wants to add to that.

Mr. R. F. Johnston: Did this die with the last Parliament?

Clerk of the Committee: It died with the last Parliament.

Mr. R. F. Johnston: OK.

Clerk of the Committee: It is brought forward at this time to see if the committee wishes to make the recommendations again to the House, to see if anything can be acted on or whether the committee does not wish to proceed.

Mr. R. F. Johnston: If that is the case then, what I would prefer us to do, rather than forcing you to read the whole thing--

Mr. Chairman: I would prefer not to read it.

Mr. R. F. Johnston: --it would be best to take each one of the highlighted recommendations, deal with them one at a time and see if we would like to reaffirm those. My sense is that, because of both the majority and the minority positions, recommendation 1 should hold. At this stage, this late after the fact, there is no sense in taking any action. We would not be involved.

Mr. Chairman: I do not think we even have to deal with recommendation 1.

Mr. R. F. Johnston: Recommendation 2 would be the specific amendment to make the act more precise. I do not know if there is any comment. Was the clerk here for these hearings? Do you have any comments other than those that the chair is starting to read or those that are in the report, in terms of the wording of it, after this length of time? It seemed to make sense to me when I remember it being brought before our caucus.

Clerk of the Committee: I think it would be helpful to people beyond the Legislature, and even to people in the Legislature, to have something stated definitely one way or another. Can you serve within the precincts? We have the tradition that you cannot, but where is it stated in law? I was saying to the chairman I had a call last week about this very matter, about wanting to serve someone in the building. That issue continues to arise.

Mr. R. F. Johnston: He warned me in advance to watch the Law Society of Upper Canada.

Clerk of the Committee: When the committee adopted this report and presented it to the House, the law society was advised of the report. Its response was, "Write us when it becomes law and we will act on it." There are a lot of people in the profession, people who are serving the legal process, who just do not understand the fine points of this.

Mr. R. F. Johnston: I support the direction of recommendation 2, the section 38 amendment and section 39 addition. I think we should re-endorse them.

Mr. J. M. Johnson: I need some clarification. I notice by the membership in the committee that there are no members in attendance this morning, with the exception of Mr. Sterling, who served on that committee. Mr. Forsyth was clerk of the committee. The Conservative caucus apparently had a dissenting opinion and I assumed the dissenting opinion was on the nature of the report, on the actions of the committee, rather than on any specific recommendation.

Clerk of the Committee: I think the dissenting opinion was more directed towards Mr. Gillies and the committee's recommendations affecting Mr. Gillies. There is certain wording on page 9 that Conservative members did not agree with.

Mr. J. M. Johnson: Mr. Forsyth, the only question I have is: Were the recommendations made by that committee accepted by all parties?

Clerk of the Committee: My understanding is that the second recommendation was acceptable. Parts in the first paragraph above the first recommendation were not necessarily acceptable to the Conservatives when it talked about Mr. Gillies having to accept or share responsibility.

Mr. McClelland: The last sentence in paragraph 5.

Mr. R. F. Johnston: Yes. I think the key lines are on page 12 at the bottom, "In all other respects, we agree with the report."

Mr. J. M. Johnson: I am not sure what direction we are supposed to be going, but I would have thought we would be prepared to accept, for example, recommendations 2 and 3 which deal with the overall aspect of the members, and not make reference to a specific instance.

Mr. R. F. Johnston: Right. I think that is fine for all of us at this stage in the history of the thing.

Mr. Chairman: That makes a lot of sense because the member is no longer here, as you know. Let us deal with recommendation 2 and see whether we can get the concurrence of this committee to reaffirm what was originally recommended.

Mr. J. M. Johnson: A question to Mr. Forsyth: Was there any opposition to recommendations 2 or 3?

Clerk of the Committee: Not that I can recall.

Mr. J. M. Johnson: It was an all-party agreement at that time?

Mr. Faubert: I agree with the intent of this and I think something like this is a breach of privilege of a member of the Legislature, a stay of abuse or whatever term you want to use. But, on this basis, why do we not define it as a legislative precinct instead of going back into further descriptions about the Legislative Building, "a room or place in Ontario in which a duly constituted committee...is meeting." Are we also saying that other than the legislative precinct--and define what the legislative precinct is--any time a committee meets outside this building, the member is privileged? Is that really the intent of this?

Mr. Chairman: Yes.

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Mr. Faubert: So any time the Legislature meets, either in committee or in the Legislature, there is a privilege accorded the members and they cannot be breached by a service. Is that right?

Clerk of the Committee: Section (b) would mean that when the select committee on constitutional reform, which is a properly constituted committee of the Legislature, is meeting at the Delta Hotel in Ottawa this week--

Mr. Faubert: OK, so they cannot be served there.

Clerk of the Committee: --and is authorized to meet there, nobody could walk into that room and properly serve a person.

Mr. Faubert: Nor in the member's office, whether it is here or in the Whitney Block or up on St. Clair or wherever it is.

Mr. Chairman: But not the constituency office.

Mr. Faubert: Not in the constituency, but that which serves as the member's office. It could be a minister's office off the site.

Clerk of the Committee: There is a provision there that the Speaker would designate that office.

Mr. Faubert: OK. We concur. No problem.

Mr. Chairman: We now have with us Mr. Sterling, who was a member of that committee, so if you need some--

Mr. Sterling: Historical perspective.

Mr. Chairman: --historical perspective on this thing, I am sure Mr. Sterling will oblige.

Mr. Sterling: My consultant's fee is \$450.

Mr. Chairman: He has dropped, obviously.

Is it the members' wish to reaffirm what was in here, to agree?

Mr. R. F. Johnston: Yes, recommendations 2 and 3 should be, in my view.

Mr. Chairman: I am going to give Mr. Sterling, who has now joined us, a chance to look at that.

Mr. McClelland: With all the distilled wisdom of these able people, I do not know why there would be a problem. It seems to me it is well set out and well reasoned and I agree with Mr. Johnson that we pick it up and get it back on the rails.

Mr. R. F. Johnston: Mr. Sterling should know that Mr. Johnson was trying to find out whether the Conservative opposition had anything to do with 2 and 3, specifically around the wording, giving some sort of blame to individuals involved, that seems to be on page 9. If there was a consensus on 2 and 3 at that time, then I think Jack would feel good about it now.

Mr. Chairman: Our feeling was not to deal with number 1, because the member is no longer here so there is no need to deal with that.

Mr. R. F. Johnston: "There was a pause." Is that how it is being put in Hansard now? "A brief pause was heard."

Mr. Chairman: OK. Mr. Sterling?

Mr. Sterling: I think the committee was trying to make it clear to people outside the legislative environment what is acceptable and what is not, and the present law with relation to service was left to interpretation. The idea of defining these areas was to make it certain that anybody who picked up the law and read it would have a clear idea of what was permitted and what was not permitted.

Personally, I have no problems with being served in my office, as a member of the assembly. I have no problem with that myself. I would rather be served in my office, quite frankly, than out on the street somewhere, across the street or whatever.

I have some concerns. I agree with the recommendation when they deal with subsections 38(a) and (b) in terms of being served in a committee meeting or in a meeting, where it could be utilized to disrupt the proceedings, but other than that, I guess I cannot add much. I do not know what the other members feel about being served in their offices here at Queen's Park. I think it is important that the act be changed to be specific, as this is.

Those are the only comments I have, and I am quite willing to go with whatever the committee decides in terms of just banning the whole Legislative Building.

Mr. Polsinelli: The first question I should ask is a clarification. What is the purpose of our dealing with this report? Are we going to confirm it or--

Mr. R. F. Johnston: It died with the last Parliament. We have to decide whether we want it to be reopened and reaffirmed or whether we do not want to bother with it.

Mr. Polsinelli: So that is the issue before us today, whether or not we want to deal with it, and second, the content of our dealing with it. Has the committee made a decision to deal with it already?

Mr. Chairman: Yes, it has.

Mr. Polsinelli: That being the case, the only comment I would make is that, with respect to the recommendations that the previous committee made

in changing section 38 and service of individuals in the legislative premises, in effect what we are doing is extending parliamentary privilege that each member of this assembly has to each person who works in and on the grounds. You are saying that nobody who works around here can be served. That is the only thing that I have a bit of an issue with.

I have no problem with the committee saying you cannot serve members of Parliament in their offices in Queen's Park, I have no problems with section 39 of the Legislative Assembly Act, but when you start saying you cannot serve anybody who works for a member of Parliament, you cannot serve any clerks, you cannot serve process servers, you cannot serve anybody in and around the area, then in effect what you are doing is de facto extending that parliamentary privilege. That is something perhaps the committee should take a look at.

Mr. Sterling: I think we were in opposition to that. I wanted the privilege extended only to members of the Legislature, not staff, but I believe I was overruled by the feeling of the committee at that time. That is a point well taken.

Clerk of the Committee: If I may, the question right now could be taken as a question of privilege for me to be served, as an officer of the House, or for somebody else, another employee or somebody in caucus to be served. It is the right of Parliament, it is not just the right of an individual member or any particular person. That is why that second paragraph is in on page 9, because it is a violation of the dignity of or an insult to Parliament.

Parliament has granted the right of people to come into the building for certain purposes, and one of them has traditionally not been to serve anybody within the precincts of the House--anybody. Obviously, the House is not going to allow somebody to hide out and try to avoid service. I think there have been cases in Britain where they just expelled people from the precinct and they were able to be served there. So you cannot hide out and try to avoid service because of this act. I do not think the House would permit that.

Mr. Polsinelli: This recommendation, though, is also extending that privilege. For example, my secretary may be working in the Whitney Block, and the only place she may be served is her place of business, in my office. If there is a civil action against her, the people are going to have to find where she lives or where she shops in order to obtain service. How is her position different, working in my office, from the secretary who works in my law office?

Clerk of the Committee: It is because of her relationship to Parliament, her relationship to the person she is working for.

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Mr. Sterling: I think the idea behind it is that it can be a disruptive procedure if timed properly by the server. That is the object. It is not really to get around the right of a citizen to sue somebody else and to serve him properly, but it is the concern of the Legislature that it can be used to disrupt procedures.

For instance, the Premier was served here in this room or in the room upstairs--I think it was the room upstairs, a committee room--by a fellow whose papers were not properly drawn to begin with, but he tried to serve him in a committee room. Unless you are clear about what you are doing, and it is

not in the statutes, it is difficult for anybody really to know what the law is. I think that was our whole object in doing this.

Notwithstanding my objection, the same as yours, in terms of protecting people unduly from service, in effect, all they have to do to serve your secretary is to wait for her to step outside her office in the Whitney Block and then serve her in that particular spot. I do not think the burden is that great.

Mr. McClelland: I think, to put it in perspective, we both know from our experience in the legal profession that is often the case in other spheres of employment, in any event. I have known many occasions when people retained by myself have waited outside industrial complexes because of security reasons prohibiting their being admitted to a complex. If something was really particularly unusual and without precedent, it may be worthy of more consideration, but I do not think it is an onerous prohibition, because it is not without precedent and analogy in the private sector, in any event. I do not have any problem with extending it to staff.

Mr. Sterling: The other part of this is, "Section 39 of the Legislative Assembly Act be amended by striking out 'the periods mentioned in section 38' and inserting in lieu thereof 'a session of the Legislature or during the 20 days preceding or the 20 days following a session.'" How does that affect us in terms of the timing and all the rest of it?

Mr. McClelland: Cleaning out offices. Calling elections. Moving in following an election.

Mr. Sterling: There is hardly a moment in the year when there would be a window that this would fall within.

Mr. McClelland: Post-election and prior to an election.

Mr. Chairman: The clerk might be able to shed some light on that.

Clerk of the Committee: The previous committee recommended that section 38 be repealed, and that talked about the service 20 days before, after or during the session. Section 39 said, "during the periods mentioned in section 38." This committee previously recommended the repeal of section 38, so there is not any reference to 20 days. It was putting the reference to 20 days into section 39, which says, "During the periods mentioned in section 38, members, officers and employees of the assembly and witnesses summoned to attend before the assembly or a committee thereof are exempt from serving or attending as jurors in any court of justice in Ontario." It was to put that 20-day period specifically in that section.

Mr. Polsinelli: Which section provides immunity to legislators? Is it section 28, immunity from civil prosecution?

Clerk of the Committee: Section 38 is the one, freedom from arrest, detention or molestation. That is the section they are saying they are just repealing.

Mr. Polsinelli: Why?

Clerk of the Committee: It is not clear enough.

Mr. Sterling: They do not feel that if you do not pay for your car, you should be immune from being sued for it.

Mr. Chairman: Yes. This is only civil cases.

Mr. Polsinelli: I realize that the section protects us from civil actions while the House is in session, but I think the intent of the section--

Mr. Sterling: No, it does not.

Mr. Polsinelli: Is there another section?

Mr. Sterling: Phil Gillies was sued for libel.

Mr. Polsinelli: I understand that. Is there another section that provides us with certain immunity?

Mr. Sterling: Yes. There is a section in there.

Mr. Polsinelli: I thought there was a section that provided us with basically civil immunity while the House was in session.

Clerk of the Committee: That is section 38, freedom from civil "arrest, detention or molestation."

Mr. Polsinelli: Exactly. Freedom from civil arrest. Also freedom from starting an action; no one can start an action against us.

Mr. McClelland: Sure they can.

Mr. Sterling: Sure they can.

Mr. Polsinelli: They cannot serve it.

Mr. Sterling: Yes, they can.

Mr. Polsinelli: I think what we should do is review what the existing privileges under the act are before we deal with this previous report.

Mr. R. F. Johnston: That is what this is all about.

Mr. Polsinelli: That is what this report was all about, but the committee was differently constituted back then. The only person who was on the committee, I believe, was Mr. Sterling. If we are going to be dealing as to whether or not we are going to confirm this report or make amendments to it, I think we should at least spend a few minutes briefing ourselves as to what we are talking about and not just the Gillies situation.

Clerk of the Committee: I think there was some concern mentioned in the last committee about whether you want members to be exempt from any sort of civil action, because it says 20 days before a session, 20 after a session and during a session. If you take the example of Ottawa, where a session went on for three years, there is a question of limitation periods and all that sort of thing; if you are preventing a member from being served for an action commenced in that period, you might effectively preclude a person from commencing an action at all against a member of the House. There was discussion involved in that whole issue at that time.

Mr. Polsinelli: What I am suggesting is that if we are going to undertake that discussion again, then we should see what the existing protections are under the Legislative Assembly Act and determine whether we

want to confirm the committee recommendations. If we are eliminating that protection, the immunity members presently have, effectively we may be creating a situation where it would be easier to threaten the member with a legal action to sway his vote or to get him to act in a certain way.

While we may have a section saying that you cannot be molested--I do not question that there would be an abuse of our privileges as members if someone said, "Vote this way; otherwise, I am going to start an action." But lawyers know that an action can be framed in a million different ways, for a million different reasons, and proving that is going to happen may be a very difficult thing for the member, proving that someone said, "I am going to start an action against you because you did so and so last year in a civil case unless you vote this way." I do not quite know whether--

Clerk of the Committee: There is always the right of the House to prevent intimidation of a member.

Mr. Polsinelli: I am saying intimidation may be very difficult to prove. If I am walking home one night, one of my constituents whom I had had some dealings with last year, perhaps in a civil matter, may say: "Look, Claudio, you either vote this way or change your mind on that. Otherwise, I am going to revitalize that civil action of last year." How am I going to prove that?

Mr. Chairman: I think there are two points here. One is whether we should endorse this, and your particular thought, as I understand it, is that we should not endorse it without fully exploring it again; since it is a new committee, members should not just rubber-stamp something they do not know a lot about. That is one point.

The other point is whether we want to look at the whole thing again. Do you want to just get your information and then endorse it? Was the original decision the right decision? One of the aspects there, as the clerk has pointed out to me, is in a civil action where there is a case of support and some spouse does not want to support the other spouse, and then he or she uses that position in order to avoid giving support or not even being served. That is what the member was trying to get around.

Mr. Polsinelli: I remember the case of a member a number of years ago who did not pay for his Christmas cards, and when he was sued, he quoted section 38 of the Legislative Assembly Act. Clearly, that is not something which should be done, but perhaps the situation where a spouse is suing for support is the type of situation that should be allowed. Rather than just eliminating it completely, maybe what we should be doing is spending some time talking about it and seeing exactly what the ramifications of either course of action would be.

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Clerk of the Committee: Section 45 of the act continues the issue with respect to privilege and contempt. Paragraph 45(1)10 says that it may be treated as a breach of privilege or contempt of the House if anyone takes "any civil proceeding against, or causing or effecting the arrest or imprisonment of a member of the assembly in any civil proceeding, for or by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise, or said by him before the assembly or committee thereof." That is dealing with anything in relation to the members' work in a committee or the assembly.

Mr. Polsinelli: I think Smirle has just proved my point again in the sense that I do not know what is coming off; I do not know what the existing protections are. Can I make a suggestion?

Mr. R. F. Johnston: Brief yourself before you come to committee.

Mr. Chairman: Just a moment.

Mr. R. F. Johnston: Don't waste our time, for God's sake.

Mr. Polsinelli: I was not on the committee last time.

Mr. R. F. Johnston: You were in the House, my friend. I was not on the committee either, but I always read the reports.

Mr. Polsinelli: I read the report. The report does not talk about that.

Mr. Sterling: Mr. Polsinelli, first of all--

Mr. Chairman: Pardon me, Mr. Sterling, one moment. Mr. Polsinelli will finish his point, then you may speak and then Mr. Johnston. OK? Pardon me. Mr. Polsinelli and Mrs. LeBourdais may speak because she had her hand up earlier, then Mr. Sterling and then Mr. Johnston.

Interjections.

Mr. Polsinelli: I am going to be fairly brief in finishing my point. My point quite simply is that this report deals with the specific situation affecting one of the former members of this Legislature. The recommendations that this report makes, however, have implications not only dealing with that former member but have implications dealing with the rights and privileges that every member of this Legislature has.

Essentially, rubber-stamping this report at this time will have implications, if adopted, that will not only refer to this particular situation but will have implications that will refer to every member of this Legislature and affect his rights, privileges and immunities as a member.

My recommendation at this point would be that, rather than rubber-stamping this report--because, quite frankly, I do not feel comfortable enough about knowing what the privileges of members are--perhaps we can ask legislative research to prepare a report for us dealing with the rights, privileges and immunities that members of the Legislature have, and the protections that we have under the Legislative Assembly Act.

Rather than referring back to this report, we can come up with another report recommending changes, if we feel them desirable, to the Legislative Assembly Act, as they affect members' privileges or members' rights. Let us deal with the whole issue globally rather than limit our discussion to a particular fact situation and from that fact situation try to extrapolate a recommendation that will affect all our rights.

Mr. Chairman: Mrs. LeBourdais?

Mrs. LeBourdais: Mrs. LeBourdais is very confused here. It seems to me that this had to be brought forward because it died with the last session. Am I correct?

Mr. Chairman: That is correct.

Mrs. LeBourdais: Why is it that we are now in theory going to make a report on a report? Was this committee not happy with this report, and is there any reason to assume that we should be against it? The fact that it is new and we are looking at it again and there are new people involved would take a new approach, but--

Mr. Chairman: The original committee under the last House endorsed and drafted this report. It did not get before the House. The House did not have an opportunity to deal with it. As a result of that, we are looking at the report again. If this committee wants to endorse this report, it has that opportunity to. If it does not want to, then of course it may also take that tack.

Mr. Polsinelli's point is well taken in that he does not want to endorse something and defend it when in fact he does not know all the reasoning behind it. As I understand it, he is not necessarily arguing with the point, but he wants more information. We may change some of that; we may endorse it as it is, but that is the position we are in right now.

Mrs. LeBourdais: I would agree with Mr. Polsinelli that, if we are going to look at it, we have to have the proper briefing to do that. But that having been said, it would seem to me that process has already been done once.

Mr. Chairman: That is correct, but it has not been before the House.

Mrs. LeBourdais: Do we have any reason to query its results? Is anyone on this committee querying it and uncomfortable with sending it to the House?

Mr. Chairman: I think each member would have to speak on his or her own with regard to that. I get the impression that there may be some members who are uncomfortable with endorsing something when they do not know all the reasoning that went behind it. I am not saying they are really questioning the recommendations; I am saying they do not necessarily know all the rationale that was behind it. I do not want to misrepresent anybody's position; that is the impression I get.

Mrs. LeBourdais: I appreciate that.

Mr. Sterling: I would encourage the committee not only to endorse this, but I would encourage it also to take some concrete action to put it into statute form, because there is a tendency for this committee to make reports and for them to sit on the shelf and nothing happens.

In reference to Mr. Polsinelli's concern about what liability a member has or does not have, it is not really relevant to this report. This report deals with one matter, and that is service of documents on a member or a person in this Legislative Assembly.

Mr. Polsinelli: That is covered under section 38, which protects a member from civil proceedings.

Mr. Sterling: I have to look at the old section--oh yes, on section 38, I stand corrected; you are correct in that position.

The old committee considered that particular section. That section

relates to an act that I think is over 150 years old and that has no relevance to today's history. In general, the committee of the day felt there was no rationale behind that freedom from being sued civilly. That was the bottom line of the committee and was unanimously agreed by all three parties.

If you did not pay your debt, if you did not pay your wife's support, if you were sued for negligence, you should be subject to the same kind of thing, and that was not within the definition of section 38 by any of the solicitors who were before us. No one interpreted section 38 as preventing anybody from suing any member of the Legislature in a civil fashion. Therefore, section 38 as it now exists is meaningless. That was the legal opinion that we had placed in front of us.

There is a real problem in terms of people knowing what the law is with regard to service in this building and in committee rooms and anywhere else. It was the opinion given by lawyers to the committee. That is why we repealed section 38: number one, it refers to practices that were archaic, over 150 years old; number two, we wanted to make it clear to the public where in fact service could take place; and number three, the committee felt there was no justification for shielding members from civil liability at any time.

If somebody wants to sue you for \$2.7 million for libel, as was the case with Mr. Gillies, then so be it. If we as members want to call that intimidation, molestation or whatever, that was not the interpretation of section 38. Every lawyer who came in front of that committee said we can be sued civilly now for anything. The only thing that is in question is where you can be served.

That is what that committee went through. If you want to go through that all again, that committee and lawyers, when dealing with Mr. Gillies, giving interpretations of the law and all the rest of it, I guess we can go through that again, but the act is confusing as it now stands and I think the committee's recommendations are good.

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Quite frankly, in order to give this committee any kind of credibility, I would also think that when we do adopt a matter, in terms of procedure perhaps we should have the chairman introduce this as a private member's bill so that it puts it on the legislative timetable or on the table, and the government can choose either to adopt or not to adopt it. Doing that would show the independence of the committee, because we seem to have these reports put aside continually.

Particularly, I think it is different in this committee when you are dealing with procedure like this. I would really like to see that kind of thing adopted, if the committee goes along with this particular report, to try it out and just see what happens. If the chairman of this committee put it forward and there was agreement by all three parties, I think you would have the passage of this kind of legislation very quickly and a lot of co-operation by all three parties. We could get a number of matters we want dealt with procedurally. That is a suggestion I make to the committee.

Mr. R. F. Johnston: I concur with the analysis of Mr. Sterling and would not actually mind getting into a discussion of how we can maybe use the role of the committee to get recommendations of legislation into actual private member's legislation or some other form. I think we need to think about it a bit because of the use of private members' hour, that forum as

something which has been left sort of up to each private member to decide rather than the instruction of a chair to introduce.

But with that caveat and thinking about that notion, there might be a kind of recommendation we should be bringing forward--that this committee in particular should have that kind of rule to be able to produce legislation--which might require some change to the standing order to allow to take place. It is a really interesting concept in terms of the strengthening of the role of committees, frankly, and this one in particular.

Mr. Sterling: May I just say one thing in response? A private member's bill can be called at any time by the government House leader. We have seen that happen. That is what I expect would happen with the kind of legislation we are putting forward here, by the chairman of the committee on behalf of the committee. This kind of matter and perhaps, if we cannot get anything going with regard to the restoration of this building, which we are going to talk about--

Mr. R. F. Johnston: As I say, I am very interested in that and would like us to have a discussion on that, almost sort of separately from the discussion Mr. Polsinelli has regrettably raised. I think it is really important--and I hope he is listening at the moment--to say there is a responsibility on all members of the committee to come to committee prepared to deal with items that are on the agenda as much as they possibly can. Often there is a possibility of coming without sufficient information and a requirement that we extend debate on things because there is new information required or whatever.

But I suggest to you that if a member were concerned about the recommendations we are being asked to reaffirm, there is in the very reports we have before us information which he could follow, if he turned to page 16, and request from our clerk, who was the clerk of that committee. There is the memorandum, dated February 16, 1987, with respect to privilege. Maybe go over that, read and learn a little bit about the background of it before you come into committee and suggest a committee should redo all the work of another committee, which spent a fair amount of time on it, did get briefings from many people, as is listed in those final pages, and did get an actual briefing from the clerk in terms of a memorandum on the service process in the parliamentary system.

I suggest to you the recommendations that committee came up with are good recommendations which we should just reaffirm quickly today. If somebody wants to call that rubber-stamping, he can call it rubber-stamping, but in a relatively informed fashion. There are new members here who were not here during that period. It may be more complicated for them than for some of us who were around at that time, but boy, there was an awful lot of discussion of this issue outside of this committee, in caucuses and in the corridors.

I am surprised that a member like Mr. Polsinelli is not prepared at this stage to be able to reaffirm the very practical recommendations the committee brought forward and then, I suggest, to deal more usefully with the kind of suggestion Mr. Sterling has raised in terms of how we can give this more presence in terms of the desire of this committee to have action.

The clerk has brought me a copy of his memo. If you would like to read it in the next little while and postpone the decision on a vote on this for the next 20 minutes while you read that background material, it is OK with me. Otherwise, it seems to me to be a colossal waste of time to regurgitate everything that is already down there if you do your homework.

Mr. J. M. Johnson: As always, in the spirit of compromise, I would like to suggest that we take the advice of Richard Johnston, Mr. Sterling and Mr. Polsinelli, to tie them all together. I think we can do this. We have 20 members of the Legislature who sat on the committee. There were quite a few substitutions and they look like pretty substantial members. There were all kinds of legal advice to that other committee.

I think we should accept what we have, but I would suggest that we could defer it to next Wednesday morning. That would give Mr. Polsinelli time to check with the clerk and whoever he wishes and ask whatever questions he has. It would also give us the opportunity to not have to go back over another lengthy hearing on something that was agreed to by a committee of 20 members. At least, 20 members participated in the hearing. I accept what they have said. If there are any questions, they could be raised next Wednesday morning. That would give us time to check out any of the concerns we have. To go back to a rehash of the whole situation does not make sense to me.

Mr. Polsinelli: Mr. Sterling should have been a litigation lawyer, because he has surely brought my thinking a long way in terms of his line of thinking. I accept from him that section 38 is no longer of any force and effect. I accept his word for it, as he was a member of the committee when it went through this deliberation.

With respect to Richard Johnston's statements, I accept also that, having received the agenda two days ago that he obtained from the clerk, the library and Hansard--the 23 or so exhibits, each of them fairly detailed--he has reviewed them, he has come to this committee fully prepared and he has fully re-read all those exhibits or perhaps read them for the first time even though he was not a member of this committee.

Mr. R. F. Johnston: I am not the one who is claiming to be on hand to deal with this. I was prepared to deal with this two years ago or a year ago.

Mr. Polsinelli: Having come before this committee and being ready, and, as I say, having re-read or having read those 23 or so exhibits--

Mr. R. F. Johnston: If you are not sure of your position, do your homework. If you are sure of your position, take a vote. Do not postpone this for three or four days because you are not ready.

Mr. Chairman: Mr. Johnston, you are out of order.

Mr. R. F. Johnston: I cannot believe the amateurishness.

Mr. Chairman: Mr. Johnston, you are out of order. Thank you.

Mr. R. F. Johnston: He has been wasting our time for an hour and a half.

Mr. Chairman: Mr. Polsinelli, proceed. Or are you finished?

Mr. Polsinelli: No, I am not finished. I have a three-hour speech prepared that I will be reading for Mr. Johnston's benefit.

I find it rather amateurish that a member of this committee will criticize another member of the committee for being unprepared when that member was not a member of the committee when it dealt with the report and

who, I am sure, has perhaps not taken the time to re-read all the exhibits. He may have had conversations--

Mr. R. F. Johnston: Do not presume anything about me, Mr. Polsinelli. You are the one who said you were unprepared. I did not say I was not. If you are unprepared, that is your problem.

Mr. Chairman: Mr. Johnston, you are out of order.

Mr. R. F. Johnston: He is impugning the positions and thoughts that I have, which he has no evidence of, just to protect himself for not preparing himself for a committee.

Mr. Chairman: Mr. Johnston, I have asked Mr. Polsinelli to direct his comments to the subject. Let us deal with this in a very rational--

Mr. Polsinelli: I have directed my comments to the subject. The subject matter is that we are being asked to rubber-stamp a report that was recommended by a previous committee, even though it has the same name. Only one member of this committee was a member of that committee.

That report dealt with a specific fact situation. It had 23 exhibits attached to it, a number of reports, a number of legal opinions. Some members of this committee feel that they are sufficiently prepared to deal with it. Some members purport to have dealt with all the previous exhibits and have done their homework, and I accept the fact that they may have done that. I have not. I read the information that was brought before me two days ago and I feel rather uncomfortable rubber-stamping the report at this time.

Mr. Chairman: I think one thing has to be made clear. The committee has been asked how it wants to deal with the report. We went through some of that before you came in, to be honest with you, and we were just going to look at the recommendations. If the committee wishes to endorse the recommendations, it has that opportunity, as I spelled out earlier. If it prefers not to endorse it, it has that opportunity. I think maybe we should not use the word "rubber-stamp," but rather use the words whether you want to endorse it or not.

Mr. Polsinelli: It means the same.

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Mr. Chairman: If you want more information, we can get more information, if that is what the committee wishes. Let us go on the basis of whether you want to endorse the report or not endorse it, and if you want more information, we can ask for more information. I think the points have all been made fairly clear as to where you might get additional information if that is to your liking.

Are you finished?

Mr. Polsinelli: Yes.

Mr. Reycraft: I want to comment on two things, and first of all, the allegations by Mr. Johnston about Mr. Polsinelli being unprepared.

Mr. J. M. Johnson: On a point of order, Mr. Chairman: Would you please clarify the Johnston issue?

Mr. R. F. Johnston: Scarborough West.

Mr. J. M. Johnson: Could you say maybe the first name as well? I am getting caught in the cross-fire.

Mr. Reycraft: I support the claim that members should be expected to come to committee meetings prepared for those committee meetings. It is difficult, though, to come prepared for a meeting when you are not sure what is expected of the meeting. I think Mr. Johnston will admit--in fact his earlier questions to you make it very clear--that there was some lack of clarity about exactly what this committee was expected to do with this report that is now before us.

I was not clear before I came here that we were going to be asked to endorse the recommendations that were made by a previous committee. I think, to be fair to Mr. Polsinelli, he should not be criticized for coming here unprepared to endorse something when it was not made clear to him that this was what was going to be expected of him at this meeting.

With respect to the report itself and our endorsement of it, I have read the report and I am not aware of any criticisms from anybody that the previous committee was negligent in failing to consider everything before it made those recommendations. On the basis of that, I am quite prepared to endorse those recommendations. If indeed the report recommends some things that are inappropriate, there is a time when that will be drawn to the attention of this or some other committee and we can deal with those concerns at that time. In terms of keeping the recommendations alive or bringing them to life again, I am quite prepared to support that.

Mr. Chairman: OK. Anybody else? If not, are we prepared then to deal with recommendations 2 and 3 before us?

Mr. J. M. Johnson: Mr. Chairman, I did not have any comment on my suggestion that we defer it to next Wednesday.

Mr. R. F. Johnston: I would prefer to deal with it today.

Mr. Chairman: I am not opposed to deferring it, but one of the problems is that next week you may have some new players, some new members of the committee. Then they will want additional information or whatever. Since some of the aspects, not all of them, have been fairly thoroughly discussed today, unless I find a lot of support for your suggestion, I suggest we deal with it today.

Mr. Polsinelli: Mr. Chairman, would it be inappropriate for the committee to make a motion, rather than endorsing this report, to refer it to the House, to report it to the House? Since the report has been adopted by a previous committee, would it be inappropriate for a committee just to report it to the House?

Clerk of the Committee: Effectively, it is dead; it died with dissolution. It could be reported to the House, the report made to the House, and then left to the House to debate further how it wishes to proceed with it or if it wishes to amend it.

Mr. Polsinelli: I would feel comfortable with that.

Mr. Chairman: The problem with that, Mr. Polsinelli, is that if we

do not endorse it, then there is going to be a lot of feeling, ambiguity out there. "Why could not the committee at least agree whether it is going to endorse it or not endorse it?" Then they are going to say, "What is wrong with the report?"

Mr. Polsinelli: Nothing.

Mr. Chairman: Then you are going to be creating the suspicion that something is wrong when, in fact, you may very well agree with the report. That is what I would be concerned with.

Mr. R. F. Johnston: You do not actually have a motion on the floor. I would like to move a positive motion so that we can have the debate and then move along from there.

Mr. Chairman: Mr. R. F. Johnston moves that the committee endorse the committee's past recommendations 2, 3 and 4 and include them in its report to the Legislature.

Motion agreed to.

Mr. Chairman: Let us deal now with an aspect that Mr. Sterling mentioned. There may not be any resolution to it, but I found his suggestion interesting; that is, a private member's bill might be introduced for this subject or some other subject. Would you like to discuss that for a few minutes now or do you want to think about that and discuss it tomorrow or another day?

Mr. J. M. Johnson: First of all, you have to be in order of rotation.

Mr. Chairman: Yes.

Mr. R. F. Johnston: No, not to put it forward.

Mr. Sterling: We have, for a number of years, been trying to strengthen the role of committees in the Legislature. We have had a revamping to our standing orders, which many of the new members are familiar with only as they now stand. Basically, committees can now order and carry on their own business.

Yet we still have not been able, in the last two, three, five years, to amend our structure to the point where we want it to be. I think that comes from the fact that the matters this committee deals with are generally pretty low on the totem pole in terms of any government's agenda. In other words, dealing with section 38 of the Legislative Assembly Act ain't the sexiest business this Parliament is going to be dealing with. Yet we recognize problems as they come along, as we did in section 38, through an incident which happened in this House to the then member for Brantford in the previous Parliament.

My concern is that while this incident may never occur in the history of Ontario again, if we table this particular report in the House, not through any intention, the government House leader, who would probably be responsible for bringing this thing forward, would really not have it within his agenda.

If we had a motion whereby the chairman would introduce this bill as a private member's bill, the government still has the option of never calling this again. If Mr. Epp's turn as a private member came by rotation and he

chose to use this particular legislation, he could do that with or without the committee or with or without the government's approval, but at least it puts it in Orders and Notices as a piece of legislation.

In the previous Parliament when the then member for High Park-Swansea, Mr. Shymko, put forward a private member's bill with regard to the renaming of a township dealing with a particular matter, to name it after Mr. Hanson, the government chose to call that on a particular day and that piece of legislation in terms of renaming the township of Stalin to the township of Hanson became law within minutes. I think that kind of thing might happen with regard to these particular matters.

As I say, it is not the most earth-shattering kind of legislation, but it is something in which at least you would see some kind of process whereby you would take care of a problem and it would be put behind you. Then we would not have the Graham McCreadys coming in and serving the Premier and the security staff would then clearly know what was allowed or what was not allowed in clear, unequivocal terms. Lawyers outside and professional process servers would know that as well.

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I would like to see us try it, because this is really a minor matter. Whether you go to the next stage and do it for more major matters, I do not know. It would also show the independence of this particular committee from the government. We always felt, during the minority parliament of 1977 to 1981--I was not a member of this committee from 1981 to 1985, but from 1985 to 1987--that there was some independence of the committee from the government. I think it is a novel and a different approach whereby maybe we can draw more attention to a matter and change a little bit of law in some minor areas.

Mr. Reyecraft: I think this is a very worthwhile suggestion that has been made. Certainly, it is a way of strengthening the roles of committees, and that is a direction we want to continue in. I support the recommendation that has been made.

Mr. R. F. Johnston: I have a couple of concerns with it that I think should be put forward and then maybe a suggestion for how we might proceed on this. I support why you want to do it in terms of trying to strengthen the committee and the idea of pushing forward into some kind of legislative framework from time to time recommendations we put forward which might, in this sort of case, elicit a response from the law society in terms of the wording, etc., which is one of the reasons it said before it was not going to have a response until it saw something in law.

There are a couple of things that I think are important to remember in this before we launch off into a precedent on it. One, the notion that by a vote of committee, and perhaps just by a majority vote of committee, an individual member of the House who happens to be the chairman of that committee would be obliged to put forward a private member's bill which may not be to his or her liking is something which I think we should be very careful about when we think about what private members' hour and private members' bills are all about. Therefore, before we think about that side of it, the compromise on this one might be to see if we have a total consensus on this in the committee. If the chair feels that is all right with him, as an individual member in this case, we would then proceed in that way.

I can see that in a minority government situation, where in fact the

majority on a committee might very well bring forward an idea which is counter to the opinion of the chair, the chair would be put in a very invidious position as a private member in terms of bringing forward a piece of legislation under his or her name that was not appropriate.

The other thing is, if in the future we want to have this be an empowerment of the committees, which I really like the idea of its being, then I think we have to see that in the context of rules changes in terms of the functioning of committees and how that might work with their requesting the chair to bring forward legislation. We might want to develop a different category of bill that, in fact, would be bills brought forward by committees. Much as we have private public bills and private members' bills, there might be bills coming from committees. That would be an interesting concept, it seems to me, to have developed, rather than just straight reports to the House, as we have at this particular stage.

I would like to suggest that this is definitely a matter which should be considered by this committee in terms of its larger ramifications. At the moment I would like to recommend that if we have a consensus, as I presume we might have, but maybe that is being presumptuous, and if the chair, as an individual member, is in accord with this, on this matter we then follow Mr. Sterling's suggestion on this particular matter as an initiative from the committee.

Mr. J. M. Johnson: Just briefly, next week we are discussing a review of standing orders. This would come under standing orders pertaining to private members' business. Personally, I feel that before any committee does this, the private members should have some consultation on whether they wish their hour to be set aside or taken up, in many cases.

This is an onus on you, Mr. Chairman, that you have to give up your hour. If there is some other way around it, if there is some mechanism that we can use to bring in a private member's bill without going through the private members' hour, then that would make sense.

Mr. Chairman: As I understood Mr. Sterling, I do not think he was saying you had to, but it might be the opportunity.

Mr. R. F. Johnston: It is a matter of putting it on the order paper rather than having it debated, I think.

Mr. Faubert: That is what I wanted clarified. I understood that private members' legislation could be filed or put forward any time in the House and can be brought forward by the government through the minister or assigned to whoever is responsible for bringing that forward, whoever's jurisdiction it falls in, and that is the process I assume we would be using, not utilizing private members' hour, because he would have to wait. His rotation may not come up for two years, even though we have it.

Mr. R. F. Johnston: But there is a funny onus there. Although that is true, then Jack's point is actually that there would be a funny onus on the chair, as an individual member, if his rotation was coming up, to bring forward what the committee had asked for rather than something he might have wanted from his own riding or whatever.

It does put the chair in an interesting position at that point of the balloting, and that is a good reason to look at it secondarily, but on the other hand, if we are in a situation of consensus on this and the chair is

agreeable, then I would not mind our proceeding on this one now and then still entering into this major debate that needs to be taken.

Mr. Chairman: Let me just clarify this, because I have no difficulty with what Mr. Sterling has suggested in this particular case. I feel very comfortable with it and I would be more than happy to do it.

Second, I find very interesting the concept suggested by Richard Johnston about maybe looking at another category of bills, something for committees, and I think the committee should really explore that possibility. Maybe nothing will come of it, but on the other hand, I think we should explore that possibility in order to do what all of us, I am sure, want to do, and that is strengthen the role of committees, something that a number of you have spoken on.

Mr. Faubert, are you finished?

Mr. Faubert: That was the point I wanted to clarify, what the process was. I find it a very creative suggestion. I would not call myself a student of the Legislature, but I am trying to learn the process and I think it is an interesting concept to bring forward.

On Mr. Johnston's position that we can do that later--that is, the definition of bills--I understand we will be dealing with the standing orders later.

Mr. Sterling: I would put forward a motion then.

Mr. Chairman: Mr. Sterling moves that, in addition to making a report to the Legislature, the chairman of this committee, subject to his consent in doing so, introduce a private member's bill under the existing standing orders, which embodies recommendation 2 of the report, on behalf of this committee, provided that he not feel an obligation to bring forward this particular private member's bill on his rotation in private members' hours on Thursday mornings.

Mr. Faubert: I have just one point. Does Mr. Sterling not mean 2, 3 and 4? Is the whole recommendation to be brought forward on the bill?

Mr. Sterling: Recommendations 3 and 4, I believe, are policy--

Mr. Faubert: Is that not incorporated within it? That is not incorporated within the bill?

Mr. Sterling: No, I do not think that would be sent to the Legislature.

Mr. Chairman: I think 2 is essentially what we want.

Mr. Sterling: Yes.

Mr. Chairman: We have a motion that I think is self-explanatory. Is there any further discussion?

Mr. J. M. Johnson: The chairman should make a decision. Would you concur?

Mr. Chairman: Yes, I indicated earlier that I do not disagree. I fully concur with that. I have no difficulty with it.

Interjection.

Mr. Chairman: Yes. If there is a tie, I will support it.

Mr. Sterling: I wanted to put the motion that way so that anybody who had made another motion on another matter would also take into account the discussion we are having.

Motion agreed to.

Mr. Chairman: Mr. Reycraft, did you have another point you wanted to raise?

Mr. Reycraft: No, I do not.

Mr. Chairman: There is one other report. I think we can deal with it fairly quickly. If we can deal with it fairly quickly, that means we do not come back this afternoon.

Mr. J. M. Johnson: Let us deal with it.

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Mr. Chairman: That has to do with the subject of the report on harassing and abusive telephone calls to the chairman of the standing committee on resources development. It is a very short report. I do not think we have to go through the whole report.

On page 2, there is a recommendation. If we want to endorse this recommendation, then we can refer that. If we need more time, we need more time.

Mr. Polsinelli: I have a motion.

Mr. Chairman: Mr. Polsinelli moves that the committee endorse the recommendation and report it to the House.

Mr. Faubert: Does that mean rubber-stamp it?

Mr. Chairman: No. -

All those in favour?

All those opposed?

Motion agreed to.

Mr. Polsinelli: I read this one too, Richard.

Mr. Chairman: That concludes the work that we have assigned today. I remind members that we are meeting tomorrow at two o'clock to deal with members' services, including the matter that Mrs. LeBourdais raised with me.

Mrs. LeBourdais: Regrettably, I will not be sitting on this committee tomorrow, as I will be out of town. I was prepared to sit all this afternoon, though.

Mr. Chairman: That is unfortunate, because that subject will come up

under members' services tomorrow. Mr. Johnston, do you have a particular recommendation on that?

Mr. R. F. Johnston: No. It was rescheduled because of my scheduling problems tomorrow morning. If people would rather deal with it today, I would be happy to try to deal with these things today. If you want to deal with them tomorrow, I am easy either way to try to accommodate members.

Mr. Chairman: I think there are a number of things that we could deal with, but if you want to take a few minutes to deal with just Mrs. LeBourdais's recommendation, we can do that today and then deal with the other things tomorrow.

Mr. R. F. Johnston: Let us do that. That is a good idea.

Mr. Chairman: Do you want to speak to it for a minute? I do not know whether members have a letter on that.

MEMBERS' SERVICES

Mrs. LeBourdais: It is in the very back of the book, about the third page from the back. Essentially, I am just proposing that since there is an increased number of women who now sit in the Legislature, a facility similar to the barbershop available to the men should be available to the women, since our schedules more or less parallel the busyness and often we have to dash from one kind of situation to another. This facility could be used not only by members but by other members of the building and by outside individuals as well.

I do not feel that it necessarily has to be a subsidized service. I think if space were made available, rent could be paid, leasehold improvements could be done, etc. It could be just a viable business for an outside entrepreneur. I do not see that it necessarily has to be a subsidized service, although it is my understanding that the barbershop is a subsidized service.

Mr. Polsinelli: I support my colleague's recommendation and perhaps add as a suggestion that the existing barbershop could be converted into a unisex salon or whatever, expanded and converted.

Mrs. LeBourdais: As we are well aware, there are many salons that are unisex. That is not my personal preference, but that is neither here nor there. As long as the people in it are qualified to do either--it usually takes more training, obviously, for women's hairstyles.

Mr. Polsinelli: Come on.

Mr. J. M. Johnson: I am supporting the request, but I do feel that we should certainly check with someone who is responsible for the barbershop to determine what we are talking about for space allocation and what is necessary, instead of simply endorsing something and finding it way too expensive. I do support the concept and if we can make some arrangements, I would be totally supportive. Let us bring in the individual who is in charge. What is his name?

Mr. Sterling: We should talk to Ellen Schoenberger, probably.

Mr. Chairman: Before we go too far on this, I want to take this in two stages. First of all, I think if you want to endorse this in principle, I

have no difficulty with this. I think the second aspect of that should be to try to get more information. Then if you want to take some steps in recommending that it be made unisex or whatever, I think we should do that. But we should not take the second step before we get more information. That is my impression on this whole thing.

Mr. R. F. Johnston: I would like to draw the members' attention to the next item after Mrs. LeBourdais's letter, which is from Ms. Schoenberger, who is basically telling us to get rid of the present barbershop. She does not like the idea of an extension into the hairdressing side of things. She asserts that there is not much use of the men's barbershop by the large majority of men who are in the House at this stage. The question comes up whether there would be a great participation rate by the women members now or whether they would stay with their own hairstylists, etc.

Before we decide to necessarily go this route or to get rid of what is presently there, which I think is essentially behind Ms. Schoenberger's approach, maybe we should be canvassing the members, both men and women, to find out what the usage is now of the present barbershop, get some idea of what the potential clientele would be, and then try to make the determinations around whether it should be private enterprise or a subsidized service and those kinds of things, following the accumulation of that kind of information.

Mr. Chairman: Correct me if I am wrong, but originally this discussion came out of when Mrs. LeBourdais and I talked about restoration. It was not initially anticipated that we would do something immediately but it would certainly build it in at that time. If we have opportunities to build it in now, maybe we should.

Mrs. LeBourdais: Yes. Assuming there is a desire for this on the part of the majority, not only of members but of people in the building, I agree with Mr. Johnston, if we could do some searching out of that information. But the sooner it could be put in place, the better. I agree that when I walk by the barbershop, I do not always see someone in there, but maybe that space could be subdivided or something.

Mr. Chairman: Could I ask the clerk who might best be in a position to gather this information for us? How do we get this information as to what other people do, other jurisdictions, the kind of space available here and so forth?

Clerk of the Committee: If you want other jurisdictions, I can certainly get you what they are doing in Ottawa; Quebec might be the only other jurisdiction that is comparable.

Mrs. LeBourdais: I am not aware that there is any other service in either of those.

Clerk of the Committee: There used to be in Ottawa, for women members of the House. I am not sure there is now.

Mrs. LeBourdais: Really? OK.

Clerk of the Committee: As far as a survey goes, we can prepare one for you and you can consider whether you want things included or excluded, and then it is just a matter of--

Mr. Sterling: Is that subsidized? I thought it was strictly a lease arrangement.

Clerk of the Committee: My understanding is that he is an employee of the assembly. It does not exclude the public, or people from the civil service; anybody can come and get his hair cut.

Mr. Sterling: I realize that.

Clerk of the Committee: I think priority is given to members, but it is there as a convenience.

Mr. R. F. Johnston: It does raise a whole series of questions like this. If we were to change to a private enterprise system, what happens to our commitment to the person who has been working there all these years, etc? A lot of things are raised. I think if Smirle drew up a tentative questionnaire, the committee would then review it and send that around to people in terms of what the market out there is for this. Then maybe he could find out if those other two jurisdictions have done anything and where they are going on this sort of service; that could be brought back to the committee for action soon.

Mr. J. M. Johnson: Space is at a premium in this building and we certainly do not need a barbershop and a beauty parlour in the building. If you get your hair cut once a month or, like some of us, once every two months, you can go outside the building for that one occasion. Surely we should look at some place within proximity of the building but not within the building. If we do find one, locate them both in the same area; free up the space we have here. Let us take a look at that possibility.

Mr. Chairman: Mr. Forsyth will prepare a survey. The committee can maybe take a look at some of the questions, if you wish, and then we will proceed from there, if that is OK with everyone.

Mr. Sterling: One of the criticisms I always get as a member is that though we have a barber to cut your hair and all this kind of stuff--I do not understand. I am paying the same there as I do on the street, and to have to subsidize a barbershop is crazy. It should not be--

Mrs. LeBourdais: I do not see the need for the subsidy myself.

Mr. Chairman: It depends also on how you subsidize, whether you provide only the space or--

Mr. Sterling: I would like to know about that.

Mr. R. F. Johnston: I think it is also very interesting to see what people's actual practices would be. I know that this option has been there for me for years but I have a local barber I go to. As Mr. Johnson says, every couple of months I try to turn up there, whether I need it or not.

Mrs. LeBourdais: I think the only difference there, Mr. Johnston, is that if it is just a matter of getting a cut for the men, I grant you that most people have their own person they prefer; but if it is a case of having your hair styled or whatever on any given day, that is something a woman is likely to have done more often, depending on evening events.

Mr. R. F. Johnston: My experiences with one or two women over the years has indicated that--

Mr. Chairman: Maybe I had better stop you there.

Mr. R. F. Johnston: --they are highly particular about who does it.

Mrs. LeBourdais: That is true.

Mr. Chairman: Thank you very much. This committee is adjourned until two o'clock tomorrow afternoon.

The committee adjourned at 12:21 p.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

ORGANIZATION
MEMBERS' SERVICES

THURSDAY, MARCH 24, 1988



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)

Breaugh, Michael J. (Oshawa NDP)

Cordiano, Joseph (Lawrence L)

Faubert, Frank (Scarborough-Ellesmere L)

Johnson, Jack (Wellington PC)

McClelland, Carman (Brampton North L)

Polsinelli, Claudio (Yorkview L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

Swart, Mel (Welland-Thorold NDP)

Substitutions:

Daigeler, Hans (Nepean L) for Mrs. Sullivan

Johnston, Richard F. (Scarborough West NDP) for Mr. Swart

Mahoney, Steven W. (Mississauga West L) for Mr. McClelland

Nicholas, Cindy (Scarborough Centre L) for Mr. Morin

Clerk: Forsyth, Smirle

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Thursday, March 24, 1988

The committee met at 2:35 p.m. in committee room 1.

ORGANIZATION

Mr. Chairman: I will call this committee meeting to order. We have members' services that we want to discuss today, and Mr. Johnson brought a sheet which has been distributed to the members.

Before we get into the afternoon's agenda, as you know from your agenda for next week, the committee was supposed to meet on Monday at 2 o'clock and on Tuesday and Wednesday. For Tuesday, we have scheduled from 11 until one or two or thereabouts a meeting with the Speaker, Mr. Edighoffer, and with Mr. Patten, the Minister of Government Services. Mr. Edighoffer is out of the country but he will be back, and we hope he will confirm that meeting on Monday morning. We are planning on meeting with those gentlemen on Tuesday at 11 to discuss restoration.

The other aspect of that is that we were supposed to discuss a review of the standing orders. Some of us were discussing this in the steering committee and we felt that it might be premature for this committee to discuss it at any length next week before a resolution is made at the House leaders' level and that some of the members of this committee have been entrusted with trying to resolve the particular dilemmas we have there.

It has been suggested that a committee of Mr. Breaugh, Mr. Sterling, Mr. Reyecraft and myself meet next week to try to resolve some of the issues and then meet with the House leaders and bring them back to this committee once some of those matters have been resolved. That might be better than spinning our wheels and discussing all those matters next week without having any commitment from some of the other major players as to whether we are on the right track.

The other thing is that a lot of these matters would have to go back to the caucuses. We are talking about estimates; we are talking about the election of a Speaker; we are talking about some of the committee's responsibilities and various other things. There are a number of things that should be thrown in the hat.

Mr. R. F. Johnston: Just coming out of that discussion, I wonder whether it would be possible to distribute to all the members of the committee the information that the clerk is going to be pulling together for the steering committee, so that members of the committee are aware of the things this committee has already put forward in the past as recommendations and the kinds of mix of issues you are likely to be discussing. When you do come back with recommendations, they will have an idea of the framework within which that all fits.

Mr. Chairman: That is a good suggestion. I am sure the clerk could do that, and if members have some items that are not listed and that they would like discussed, then they should get back to one of the members in their caucus to present those matters.

Mr. J. M. Johnson: Are you saying that we are not meeting on Monday?

Mr. Chairman: That is my proposal, Mr. Johnson, that we not meet on Monday, that we meet instead on Tuesday at 11 o'clock to talk to the Speaker and Mr. Patten.

Mr. J. M. Johnson: So we will meet on Tuesday morning at 11?

Mr. Chairman: Yes, unless members have other matters they feel we should discuss next week. There are some other things the committee is going to have to discuss in the near future, but all the preparation work has not been done. For instance, on freedom of information, I am told there are about 100 acts that we have to review. Are there 100 acts, Mr. Forsyth?

Clerk of the Committee: There are close to 100.

Mr. Epp: There are about 100 acts that we have to review some time within the next two years, but the preparatory work for that has not been done and that needs to be done.

Mr. Polsinelli: There is one item that I have been meaning to bring to the attention of this committee and perhaps, given that there is some time available next week, the committee may want to discuss it then. That has to do with the situation that I went through in the last provincial election, where an independent candidate purported to run as an independent Liberal using also Liberal colours.

We tried to obtain an injunction restricting him from doing that, and essentially the Court of Appeal of Ontario decided that, since the Legislature had chosen not to pass any specific legislation restricting a political candidate from using any name or any colours, effectively he was free to do so, notwithstanding that the court found, as a matter of fact, that confusion had been caused in the eyes of the electorate.

1440

I have a copy of the judgement. It was reported in the Ontario Reports, and I wanted to bring it to the attention of this committee so that we could have some debate on it and determine whether we would want to recommend to the government to pass or introduce any legislation dealing with that aspect of it.

Effectively, the conclusion of the Court of Appeal was that any candidate can run, can call himself anything he wants and can use any colours he wants. I thought it was a bit of a farce in terms of the nomination process. If I and each member of this committee had to go through a regular nomination process to run as a member of a particular group or party and any other candidate can choose, on his own initiative, to call himself a philosophical Liberal or a philosophical New Democrat or Conservative or an independent Liberal or Conservative--

Mr. Sterling: Is there any philosophy that a Liberal has?

Mr. Polsinelli: That is another issue, Mr. Sterling, we can discuss. In any event, that was a matter I wanted to bring to the attention of the committee. I have not chosen to do so yet. If the committee members want it, I can provide them with a copy of the Court of Appeal judgement. You may want to discuss it.

Mr. Chairman: One of the problems we may have also next week is with

some New Democratic Party representation. Mr. Johnston, can you comment on whether we would be able to--I say that knowing there are a number of committees sitting and your forces are fairly strained now with putting two or three members on each committee--if we were to discuss that, would you have somebody? I know you cannot be here next week. Is there somebody else who could be present? There is no use calling a committee meeting unless we have representation from all three political parties.

Mr. R. F. Johnston: I am, in fact, starting to write a note, as we make our decision here, to talk to Mr. Reville to let him know what days the committee is meeting so that he can find somebody.

I know that Mr. Breaugh, who is the regular member on this committee, is also on the select committee on constitutional reform and will be here in the building and therefore might be available, depending on what is happening on that committee's agenda. I know that Mr. Swart, whom I am replacing, is trying to get himself a bit of a break from committee for a while, so I know he is not inclined to come. I do not know who else is around and available, but that is the whip's problem. If the committee determines it would like to meet, then Mr. Reville will have to find an appropriate substitute.

Mr. Breaugh, who has been dealing with the standing orders stuff for us for years, would be the obviously appropriate New Democrat as a minimum to have on this committee as we go through that discussion. I have marked down, so far, that you will be meeting on Tuesday at 11 and am willing to mark down any other time the committee decides, and to pass it on to Mr. Reville for him to look after the NDP contingent on the committee.

Mr. J. M. Johnson: I assume we are not going to meet Monday then.

Mr. Chairman: I am at the mercy of the committee in that regard, but unless there is something a member is suggesting, that is a correct assumption.

Mr. J. M. Johnson: That is satisfactory to me. It does not matter. What I would like to suggest is that if possible, if we could meet at 10 o'clock on Tuesday and have the Minister of Government Services here to deal with the question I have on my discussion paper pertaining to the mail service. I know the minister is working to resolve it and I think he would appreciate our assistance on it.

Mr. Chairman: I understand that Mr. Patten cannot be here earlier than 11 o'clock.

Mr. J. M. Johnson: I wonder then if we could have someone from his office, because it is something that would not require his attention.

Mr. Chairman: The person you might want to get is the deputy minister because he or she--I forget who it is--

Mr. J. M. Johnson: All I am suggesting is that we make it 10 o'clock because we seem to run behind time anyway. We could start at 10:30 and do some preliminary investigation of the mail problem with the deputy minister and then, when the Speaker and the minister are ready, go to the restoration.

Mr. Chairman: Why do we not do that then? We will start at 10 o'clock. The clerk will get in touch with someone in the ministry and have someone here to respond to your concerns in that matter.

Mr. J. M. Johnson: That would be fine. Thank you.

Mr. Reycraft: Since we have no knowledge of whether the deputy minister might be available at this time, would Mr. Johnson be willing--

Mr. J. M. Johnson: The assistant deputy minister.

Mr. Reycraft: --to accept any senior official who holds responsibility for mail delivery in the government network if the deputy is not available?

Mr. Sterling: Except the mailman.

Mr. J. M. Johnson: Except the mailman.

Mr. Reycraft: No, this is for Tuesday, Mr. Johnson.

Mr. J. M. Johnson: Do not send a letter, Smirle.

Mr. Chairman: We have some other matters we want to discuss. The clerk will check with the ministry right now to see if someone would be available on Tuesday at 10 o'clock to discuss this matter.

Mr. J. M. Johnson: You do not trust the mail?

Mr. Chairman: I would rather not comment on that.

Are there any other matters we should discuss next week? I want to deal with Mr. Polsinelli's request. We should not deal any earlier than Tuesday with that matter because Mr. Polsinelli has some materials he wants to share with us and we should have a chance to study those before we come to committee. If you want to deal with that on Tuesday or Wednesday, then we could do that.

Mr. J. M. Johnson: If he could present it Tuesday morning, then we could make that determination in the afternoon.

Mr. Polsinelli: I could bring it to the committee Tuesday morning. I will get copies for everyone.

Mr. Chairman: Sufficient copies for everyone. The clerk will prepare them, and then on Tuesday we can make the determination of whether we sit on Wednesday.

Mr. Polsinelli: Sure.

Mr. Chairman: OK. Any others?

Mr. R. F. Johnston: I have a matter I do not want brought up next week because I am not going to be around, but I want to remind the committee that I made a brief presentation a number of months ago around the request from the Nicaraguan National Assembly, which had been referred to the Board of Internal Economy, referred back to this committee and deferred by this committee.

I want to let you know I have a copy of correspondence from the president of the National Assembly to Joe Clark, with a copy to the Speaker here, asking whether the federal government would see it as an intrusion if we were to get ourselves involved. I want to table that with you now and suggest that when we get a copy of Mr. Clark's reply, it might be an appropriate time

to have me back before the committee to talk about whether there is any point in pursuing this any further. But it is not something I want on the agenda until we have the reply of the Secretary of State for External Affairs.

Mr. Chairman: If you could get that information to us, it would be helpful. Then we can make that determination.

Anyone else? If not, let us deal with the agenda at hand for today, dealing with members' services. Mr. Johnson, you have a handout you have distributed to the members. Shall we deal with that now?

MEMBERS' SERVICES

Mr. J. M. Johnson: The reason I prepared this is that I served for a few years as chairman of the standing committee on members' services. The members' services committee, as you will understand, has been taken over by the standing committee on the Legislative Assembly, but many members have expressed concerns about certain problems pertaining to their responsibilities in the House. Many are referred to the whips or the House leaders, but many should be dealt with by this committee.

I suggested, yesterday or the day before, that this committee should advise its members of what responsibilities we do have as a committee and how best we can serve the members. I think the committee did agree that this is one item we should discuss today, to determine what parameters we have, what responsibilities we feel we should undertake, and then at least to notify the House leaders and the whips. If they feel we have overstepped our jurisdiction, then so be it; but if we are in order, then advise the members by way of a memo stating what services we can provide.

It has been proposed that we have a questionnaire. I am not sure that is a good idea, because if you ask some questions, sometimes it does not work out. If you were to ask, for example, "Are you are satisfied with your office?" the chances are that nine out of 10 would say no. Then what do you do? So you have to be careful what type of questions you ask.

1450

I have highlighted a few of the concerns that have been mentioned to me over the past three or four months. As chairman of our caucus, I do receive some requests from members as to what they should do in certain situations. I feel that rather than going through the political scene of the caucus, it would be better referred to an all-party committee that can deal with it on a nonpolitical level. That was my first proposal.

I have a couple of others. If we can resolve the first, if we do want to become involved with it and to what degree, then maybe we can just touch on some of the other ones and not go into them in any depth. I do not intend to go into section 3 with the four or five items I mentioned. I simply wanted to highlight them to show that there are some concerns by members that somebody has to address.

Mr. Sterling: It seems that whenever we deal with members' services, if we lay at the feet of the Board of Internal Economy a sort of wish list once a year, we get nowhere. What happens is they are somewhat overwhelmed by whatever we do. I would prefer, if we are going to take on this particular task, to document well whatever the need is and then go at it a number of times during the year.

If Mr. Johnson feels strongly on any one of these particular issues whereby services need to be expanded or increased or whatever, then I think we should take off after one and deal with each of them on a one-by-one basis. I would really like to see something from the committee on its agenda all the time. I do not know how the other people feel, but that has been my experience over the past two or three years.

Mr. Chairman: So your feeling is that if you put forth 10 different items, you might get one or two of them and you can forget about the rest. That is, in essence, what happens?

Mr. Sterling: Yes. I really do not think they pay attention. They just say: "They are being a bunch of cry-babies about it all. They are not serious about what they are talking about. They want the world." I just state that in terms of the way we should approach it.

Mr. J. M. Johnson: I might just add that I served for several years on the Board of Internal Economy as our party's representative and I for one very much appreciated receiving requests or direction or guidance from committees, because you were always in a dilemma of whether indeed the actions you were taking were ones members approved of. If a committee recommended that certain things happen and the board had a tendency to agree with it, it would happen. But if they were in doubt, many of them would say, "If the members want it, they will ask us," and it was simply deferred.

Mr. R. F. Johnston: Not having served on the board, I come somewhere between Mr. Johnson and Mr. Sterling in terms of my memory of what gets picked up and what does not. Certainly, in the last number of years, every time a recommendation around members' indemnities has come forward, it has got nowhere with the board. In reality, that process of recommendations coming forward around that kind of remuneration, etc., has fallen on very stony ground.

I have begun to wonder in my own mind whether that is in fact the best way for us to be dealing with that. I was pleased when the issue came to a head before Christmas. At that time--I have no idea where it is at the moment; Mr. Reycraft knows--there was some behind-the-scenes discussion about better ways to deal with the whole indemnity question and just what the process should be.

I have been thinking of this in the last day or so and I am wondering how this committee should fit into this whole scheme of things on the range of services that are out there. Should it be the place of first resort for a member or should it be something which you come to after you have gone to your whip and the whip has tried to work out a solution through the House leaders' meetings or whatever and has been unable to do for some reason as that group found it difficult, and then it has come to this committee with some sort of request for action which is sent on to the board for very serious consideration, obviously, after that?

I have not thought this through particularly but I think in the new regime of things with this standing committee on the Legislative Assembly, before we spend an awful lot of time going over individual requests, the committee itself should have a very clear idea of what it thinks the process should be. What we want members to understand is how they go about it, because, as Smirle read out the other day, the mandate of the committee is very wide and woolly there is really no process built into that about where you go first of all if you have a concern.

In a number of the issues that Jack has highlighted, I would agree there are things that really do need addressing in the next little while. As part of that, I am wondering whether we should not also deal with the process that all members should be aware of as their right and that would make things move more quickly and would also, when you go to the board, give what comes out of this committee much more clout. Anything to maximize that would, obviously, be helpful in the end.

Mr. Chairman: What do you want to do with these recommendations? Do you want to go through them now?

Mr. J. M. Johnson: I would not mind.

Mr. Chairman: OK. Mr. Polsinelli and then Mr. Johnson.

Mr. Polsinelli: It is OK.

Mr. J. M. Johnson: I was simply going to say that, in the past, the way that members' service committees have functioned is that we deal with an issue that was brought up and if we found there was not consensus, we would drop it and refer it to each party to refer back to the whip or House leader. We never get into controversial issues. If we found that all members were in agreement, if there was a certain problem relating to the members, let us, for example, say mail service, then we did what we could to address it. But we would never become bogged down with a political thing because, at that point, we felt it would have to go through the caucus.

Mr. Polsinelli: In dealing with the process, I believe that no matter what we say or do, the decision is eventually going to be made by the Board of Internal Economy, with its changing composition from election to election. I do not think we can change that.

In dealing with the process, I believe this committee should be an advisory body to the Board of Internal Economy and, in being an advisory body to the Board of Internal Economy, I have always had a very strong belief that when we are dealing with issues such as issues affecting privileges of members of this House and when we are dealing with services to the members of this House, we should endeavour, we should strive, to keep it away from the political process.

I do not think it is appropriate for us to go back to our caucuses or to our whips or to our House leaders and say this is what the committee is going to be recommending on this particular issue affecting members' rights, privileges or services. I think each one of us has a responsibility as a member of this committee to vote and to speak according to his own mind and his own wishes in that narrow ambit of members' services and members' privileges. That being said, how can we make the recommendations of this committee more effective and more forceful so that perhaps the Board of Internal Economy would listen to them and perhaps our whips, party leaders or House leaders would listen to them?

1500

I would recommend, not facetiously but seriously, that we have a public hearing. I do not ever recall this committee or any committee dealing with members' services soliciting my opinion as a member of this assembly as to what I thought was deficient or what was needed or how the services to me as a member could be improved or what services were redundant and not required.

I would recommend that what we do is go through a public hearing process, but a limited public hearing in the sense that we do not necessarily have to invite the public. The chairman, at the direction of the committee, would send a letter to all the members of the Legislature saying that the committee, during a certain period of time that we will allocate--and it does not necessarily have to be next week; it could be some time when the House is sitting--will be reviewing the whole issue of members' services and that at that time they are free to come and make presentations to the committee or to make presentations in a written form.

I recommend that we go through that process and that at that time we have set aside to review the members' services, we actually review the members' services, we do not come up with one or two or three recommendations in terms of what we would like to see improved or increased or withdrawn, but rather that we go through the whole package of what services are available to the members and review them one by one, in addition to whatever other recommendations have been made, and make a complete proposal to the Board of Internal Economy dealing with the issues that we feel are important.

I think if we went through a serious process such as that, the board would be hard pressed to basically just put the recommendations aside and not respond to them. I think there would be an obligation on the board's part, after the committee's having undertaken this serious study, to have to respond.

I do not fool myself. I am sure that while we are going through that process there will be discussions in caucus and there will be discussions with the House leaders and the party leaders, but at the same time the committee would be looking at it from a serious point of view, reviewing all the services and making a package proposal, a package of recommendations, to the Board of Internal Economy.

Mr. Chairman: Does anyone want to respond to that suggestion?

Mr. J. M. Johnson: May I respond to that? Again, referring back to the previous committee on members' services, what happened at that time is that members appeared in front of the committee and basically stated what their concerns were and, if possible, the committee tried to address them at that time.

Many of the complaints, you will find, have nothing to do with the Board of Internal Economy; for example, mail service. I do not see any reason that we simply pass everything off to the Board of Internal Economy. I do not think we are doing a service to the members.

My argument is that we determine what service we do intend to provide for the members and then so notify them. I do like the idea of requesting the members to appear, if they so wish, or to advise someone to send a letter or to phone, to tell us what their concerns are. Possibly, once a month we could set aside an afternoon to deal with them.

Mr. Polsinelli: That is actually an even better recommendation. If we went through the whole process, then we could set aside one meeting a month or one afternoon a month where we would deal with the issue and update the issue.

Mr. J. M. Johnson: I think we should work with the whips, the House leaders and the Board of Internal Economy to see if we could improve the services. Doug, as whip, do you find any problem with a recommendation coming from this committee?

Mr. Reycraft: It would depend on the kind of recommendation it was. Are you suggesting that this committee would make recommendations to me, as the government whip?

Mr. J. M. Johnson: No, I am asking, for example, if we wanted to improve mail service, as whip, do you find any problem with that?

Mr. Reycraft: With this committee making some recommendations to the assembly?

Mr. J. M. Johnson: No. If this committee said to the Minister of Government Services (Mr. Patten), "We're not satisfied with the present mail service; can you speed up delivery?" I would think you would be supportive of that, would you not?

Mr. Reycraft: Absolutely, and I am sure the minister would be.

Mr. J. M. Johnson: Yes. That is the type of suggestions that we should be proposing. I do not contemplate anything of a political nature, like decreasing the whip's salary or anything like that.

Mr. Chairman: Nothing revolutionary like that.

Mr. R. F. Johnston: Never.

Mr. Reycraft: I thought indemnities were a part of this.

Mr. Chairman: Ladies and gentlemen, I think we have to--

Mr. J. M. Johnson: Could we briefly discuss just a couple of items that I have mentioned?

Mr. Chairman: Yes, I want to do that. Let us just very quickly resolve the process, because we want to deal with these items. There are some other items that you may want to add to that.

Let us talk very briefly about Mr. Polsinelli's suggestion. Would you like something like that? Do you want us to schedule something like that and send out a notice to all the members saying, "Come to this committee on day X and make your presentations regarding members' services because, if you want to do something like that, we can accommodate you. And preferably come with something written, not just your wish list, but some supportive material. Do a little homework"?

Mr. Polsinelli: I recall that when I was first elected in 1985, the assembly provided me with a booklet indicating what services the members were entitled to.

Mr. Chairman: Yes, there is a booklet.

Mr. Polsinelli: I do not recall receiving that this election, but perhaps we will want to review that as part of the process, because I think it gives us quite an indication.

Mr. Chairman: It probably went to the new members.

Mr. J. M. Johnson: Yes.

Mr. Reycraft: Not only did they receive a book but, if I recall

correctly, there was a very thorough briefing and a binder of materials made available to all newly elected members last fall.

In response to Mr. Polsinelli's suggestion, I am not so sure that a wide review of the total package of services to members is what we really need to be looking at as a committee. In terms of what Mr. Johnson has suggested, I suggest there is a lack of awareness on the part of members that they can come to this committee if they have specific concerns or concerns about services that on a continual basis are being provided at what they see as a less than adequate level.

I was really not aware that that was a function of this committee, and perhaps, Mr. Chairman, it is not your intent that it be sort of a clearing house or reception area for complaints from individual members.

Mr. Polsinelli: It used to be the standing committee on members' services, along with the standing committee on procedural affairs. Is this committee not a result of the combination of the procedural affairs committee and the members' services committee?

Mr. Chairman: Yes.

Mr. Polsinelli: So it has both of those responsibilities.

Mr. Mahoney: My only concern about what Mr. Polsinelli has suggested is that it might be a little akin to throwing a red flag in front of a charging bull. I do not know what we are going to accomplish.

Mr. Johnson said at the beginning that we want to be careful about what questions we ask, because we are going to get a very broad range of answers. I think the terminology Mr. Polsinelli used was to hold a public meeting, "public" meaning the members, to come before the committee and ask for services.

I think this memo has identified really the major problems that on a day-to-day basis I have certainly experienced in the short time I have been here. It would seem to me more appropriate that the committee continue to identify them and perhaps make members aware that they are identifying those issues but not set it up as what could become a major piece of controversy publicly. All of a sudden, we could all be castigated in the newspapers because we are trying to set up Cadillac services, which could come out of suggestions from members.

Mr. Polsinelli: It could be done in the form of a review.

Mr. Mahoney: I think the issues are identifiable. Mr. Johnson has hit most of them; there may be a few more. You might just want to inform members such as myself who are not aware of the role of this committee in that area and tell them what you are looking at. If they wish to proactively submit suggestions or concerns to the committee, they can do that through the chair.

Mr. R. F. Johnston: I think there is a danger in having a monthly meeting to have our colleagues come before the committee and have a beef session of one kind or another with us. On the whole, I would prefer to see members try to work things out informally and deal with the structures within their parties first but not exclude their coming to this committee first, if they choose to.

Many of the kinds of concerns that are raised in this, not so much mail

questions but questions about indemnity, mileage, number of trips, those kinds of things, are things which are in the continual private-public discourse of this House, and the whips and the people on the Board of Internal Economy are continually grappling with those kinds of issues as well.

As I said before, I am really not clear on what the best process for people coming before us is. I do not think it is to regularize a certain day for people to come. I think, as much as we can do it, it would be good to have caucuses talk about these issues and present them, through their members on the committee, to this committee.

1510

From time to time, when a member does not find that a useful process to take, either having tried it and not got a consensus from his caucus, or having decided that they prefer to come directly to this committee, they should feel free to approach the chair to do so. But I would like to be able to say to members, "This is how to try to deal with these kinds of day-to-day housekeeping kinds of issues with which we are all irked one way or another." That would be nice, just to come up with some kind of a suggestion of how you approach this.

Mr. Mahoney: A suggestion box.

Mr. R. F. Johnston: I was thinking more of the chairman's home number, after 11 o'clock at night.

Mr. Daigeler: I am really not quite clear where we are and what we are suggesting precisely. I think nobody seems to have a very clear idea. Personally, if somebody does not have a responsibility or does not assume the responsibility for it, it does not go anywhere.

I do hope the committee would assume an ongoing responsibility to look at questions of members' services, in whatever way that is. I think perhaps the chairman could just simply take the initiative and send out a memo to all members, saying, "Listen, if you have any concerns, let us know." It could go out once a year or twice a year, or whatever.

To be specific and use an example, in my constituency office I am using my own computer. I was advised that whoever makes those decisions here, the decision has not been made yet that you can use a computer through the Legislative Assembly. Is that something that goes through this committee here, to change this, or is that Board of Internal Economy? I do not know. Who looks at that? Would that be a question that this committee puts forward?

Mr. R. F. Johnston: Both of them probably.

Mr. Daigeler: I think somebody has to look at it.

Interjection: That is being looked at.

Mr. Chairman: Yes, they are looking at that.

Mr. Daigeler: Who are "they"?

Mr. Chairman: The Board of Internal Economy had some consultants look at the computerization of members' offices and constituency offices.

Mr. Daigeler: But why is it the Board of Internal Economy, as compared to the committee? This is what I do not understand.

Mr. Chairman: Because, ultimately, they are in control of the purse strings.

Mr. Daigeler: But if you do not have anybody pushing, you know how it goes.

Mr. R. F. Johnston: Let me put it to you this way. Your House leaders are represented on that board and your whips often are--at least, they meet with the House leaders and so there is that kind of a connection--and they represent the interests of the members in terms of services.

Mr. Daigeler: But if this committee has a mandate to look after members' services, then I think it is this committee's responsibility.

Mr. R. F. Johnston: But so are they. That is the point that comes up here. You have a number of different people and groups which have certain responsibilities around the interests of members and they overlap.

Mr. Mahoney: The committee makes recommendations; the board makes a decision. Right?

Mr. R. F. Johnston: But often the board will, on its own, develop a consultant to go out to do this sort of thing without this committee's necessarily having made a recommendation to it.

Mr. Chairman: I think you have touched something fairly sensitive. With regard to computers, you can either get your response from the House leaders in caucus or we can try to get it here. If you want to get it here, we can put that on the agenda and have someone who is responsible--Mr. Ashworth or whoever is following through with that--come before the committee.

Mr. Daigeler: Why would that be Mr. Ashworth?

Mr. Chairman: Because Mr. Ashworth, together with some of the other people, have been dealing with administration in this building. He was involved in getting some of the consultants.

The other person you might contact on that is Barbara Sullivan, who is the chairman of caucus.

Mr. Daigeler: I was advised originally that this was an assembly matter. The finance branch advised me this was an assembly matter. The thought never occurred to me that this was a caucus matter, because it affects everyone.

Mr. Chairman: I know, but the three caucuses get together and decide what they want. There were recommendations some years ago with regard to buying computers. There were second thoughts with respect to the computers they purchased and whether they should just put one computer here and one in the constituency office. There were some recommendations that you should put two computers here and none in the constituency offices because of the complications of wiring them up and everything.

Mr. Daigeler: My main point still is that I would like to know who has primary responsibility to advance the cost of the members' services. Is it this committee, the Board of Internal Economy or the caucus? In other words, who do I go to as the first line of attack if I have a concern?

Mr. R. F. Johnston: That is what I am raising. That is what has to be made clear and I do not think it is. At the moment, you can go to your whip, your House leader, this committee, and in some rare instances, you can even sneak yourself before the board, but that very rarely takes place. Those would be, I guess, the general options at the moment.

Mr. Mahoney: And they will all say no.

Mr. Daigeler: They will all say to go to the other committee.

Mr. R. F. Johnston: God knows I have been through this myself.

Mr. Chairman: If you have some special concerns, do you want to bring it to the attention of this committee and we can then deal with them?

Mr. Daigeler: OK. I will start the process that is usually the best and test the system. I will write a nice little letter--

Mr. Chairman: You write me a letter. We will put it on the agenda here. You can come before the committee and discuss it and then we will deal with it from there. If it is a fairly substantive matter, such as computers--having dealt with all those things, I get the impression the committee is not enthusiastic about Mr. Polsinelli's suggestion that we have a general hearing. Do you want a questionnaire to go out or something of that nature? In the past, when we have had a questionnaire go out, there has been very little response, but we could do that with regard to members' services, or we could just put it in limbo for a few months and see what happens and then if you want to raise it at any time, being a member of the committee, Mr. Polsinelli, it is very easy to get it on the agenda again.

Mr. Polsinelli: I am in the hands of the committee. Mine is a suggestion that we review all the members' services, but if the committee is not prepared to do that at this time, it is no problem.

Mr. Chairman: Why do we not just keep it in limbo for the time being and raise it another time? Maybe when the committee has a clearer understanding of what it wants to do--

Mr. J. M. Johnson: I wonder if we could not do at least one thing--

Mr. Chairman: I want to deal with this yet.

Mr. J. M. Johnson: --and have the chairman advise the members that we do have a standing committee on the Legislative Assembly that has assumed the responsibility of the former members' services committee, and that if they want to make reference to whatever booklet been published outlining the duties of that committee, to do so, and if they have any questions, to contact either the clerk or yourself. At least they would know, like Mr. Daigeler, that they have some place to contact, because there are many members who have no idea of the process.

As far as who pays for it goes, it has to be approved by the Board of Internal Economy. If they do not approve it, it does not matter what we say.

We need some committee or some other, the whip--I am the chairman of our caucus and if your chairman does not know any more than I do, it is hopeless.

Mr. R. F. Johnston: I would like to concur with what Jack said. I

think it is important that members know where they can go if they have a concern about the general services in the building. Why not have this committee promote itself as a place to come? Also, I think, we can secondarily remind them that they can always talk to their whips, House leaders or caucus chairs. The way a lot of concerns from our caucus have come in the last number of years has been a bitch at a caucus meeting, a particular peeve somebody has, raised under the House leader's report or under the whip's report or something. After it has been discussed and taken up too much time in the caucus meeting, somebody says, "Why doesn't our member on the members' services committee"--in those days--"take this back and raise it with the committee?"

That is how those things have come about. I think if we let people know, as Jack has said, that the committee is here, that there is that book available to them, and they should remember that if they have concerns, they should raise them through the chair or they can raise them with their whips or House leaders, but this committee is here to look at those concerns on a regular basis.

1520

Mr. Reycraft: Mr. Chairman, just supplementary to that: If the same kind of memorandum or whatever indicated clearly what limits this committee operates under and explained also the role and authority of the Board of Internal Economy, it might help a great deal to clarify the kind of confusion that Hans Daigeler has just talked about where members, especially new members but not only new members, are not always aware of where to go when they are experiencing problems in getting adequate services.

Mr. Chairman: OK. We will do that on the committee's recommendation. Anything else?

Mr. R. F. Johnston: One thing I want to make clear is that if somebody has a concern, in as broad a way as possible they should come to this committee. I am thinking specifically of the request that I brought around our trip to the National Assembly in Nicaragua, just to go back to that for a second. It was very difficult to know where to go when we came back with a specific request from that assembly for some action from our assembly. I came here, and the committee really was not sure whether it should be dealt with here or not. I went to the board, which felt maybe it could deal with it but the board was not sure because it did not have a policy on that and eventually referred it back here so this committee could deal with it.

I think if members have concerns that do not seem to fit someplace, they should also be able to come here as a place to get advice as to where to go on things and how best to deal with their kinds of concerns. This committee is not the old members' services committee. It is quite different than that. It is now a blending of that--it was a very wise decision, in my view--with the procedural affairs committee of the House, and therefore gives it a broader mandate in terms of the kinds of issues that face members and can be dealt with.

I just would not want members to think it was only a matter of concern about their letters coming later than they wanted, but it was an issue which they presumably would never come up with, the one I have just raised. They should know they could at least come here to present the idea or the concern so that this committee can best be seen to direct them or to try to say, "We

don't have a means of dealing with this and we'll make a recommendation to the board that some means be found to deal with this."

Mr. Chairman: Number 2(a): Mr. Caplice will be here on Tuesday at 10 o'clock as Deputy Minister of Government Services to deal with your concerns, Mr. Johnson.

Mr. J. M. Johnson: Pertaining to mail?

Mr. Chairman: Pertaining to the mail, yes. So we can probably skip that and go to number 2(b).

Mr. J. M. Johnson: Just as an aside on 2(a), while Richard is here: My secretary, when asked to prepare this for me, said I should mention the fact that I am constantly receiving mail for Richard Johnston and Cam Jackson, and Richard in many cases has given me my mail that has gone to him. I realize we have to be extremely open in who we hire in the postal department, but surely individuals can read; and if they cannot read, they should not be in the postal department.

Mr. Chairman: Are you suggesting we supply them all with a magnifying glass?

Mr. J. M. Johnson: I am simply suggesting that someone should be responsible for sorting out the mail so we do not have that conflict.

Mr. R. F. Johnston: I am less concerned with that than when I get Reyecraft's mail. That is what I do not understand.

Mr. Reyecraft: You could make it easier for them by changing your name to Smith.

Mr. J. M. Johnson: We can leave that until Tuesday.

Just so you will not be concerned, Mr. Chairman, on item 3, I just want to mention that we are not going to go into any detail.

On item 2, I am quite concerned about this because last week I received a courier delivery--

Mr. Chairman: OK. You are talking about 2(b) now?

Mr. J. M. Johnson: Yes, 2(b); we are looking after 2(a) on Tuesday. On 2(b), the courier letter, which was sent on overnight delivery, arrived in the post office and would have been consigned to some mail bag and been delivered in a day or two, but because I knew it was coming and it was extremely urgent, my secretary was able to dig it out. I find that totally unacceptable. When people send something by courier, surely there is some responsibility to see that it is delivered directly to the member's office and that the member's secretary or someone in that office acknowledges receipt of it. I understand security says it does not want these strange couriers going around the hallways.

Mr. Mahoney: Should hire some that are not strange.

Mr. J. M. Johnson: The thing is that any citizen can walk into the building and walk into your office without encountering any security. Surely someone who is working for a courier service could do the same thing. We

should have a policy that any couriered message delivered to this building has to go the office, so the couriers simply cannot throw it at the mail department and say, "Here it is; we delivered it," and someone there accepts it. Because then they could set it aside for a day or two or three days and maybe even lose it. Some of this material could be extremely important.

Mr. Chairman: One way you could resolve it, but it would mean some more bureaucracy, paperwork and so forth, is that when you send that over you fill out a form and get the person's name. They get the time on the form when they take it over. They get the time when it is delivered. Somebody over there has initialled it and you get that paper back saying it has been delivered. Now, that means more bureaucracy and so forth, but it is one way of having the person's name on there, the person who has put it in a drawer downstairs and has not delivered it for two days.

Mr. J. M. Johnson: You are talking about when it is received here?

Mr. Chairman: When you want something delivered, then what you do is you get the person's name.

Mr. J. M. Johnson: I am talking about a constituent who sends in for a birth certificate. They are going to Cuba tomorrow and need a birth certificate today. They send it down by courier service, guaranteed six-hour delivery.

Mr. Chairman: From another one of the regional offices?

Mr. J. M. Johnson: God knows where it goes. I am simply saying that when they guarantee delivery and deliver it to Queen's Park, they are told: "The only place you can leave it is downstairs in the mailroom. You can't bring it to the office."

Mr. Daigeler: Is that in fact so? Who tells them that?

Mr. J. M. Johnson: That happened to me last week, and I do not know who tells them.

Mr. Daigeler: That is what I do not understand. Why could that delivery person not--I will check with my own office because I think we have had courier people come.

Mr. J. M. Johnson: Have you had couriers drop into your office?

Mr. Daigeler: I think so. I will have to check that. I will have to verify that.

Mr. Chairman: Mr. Johnson, since this in all probability comes under the jurisdiction of the deputy minister, why do you not ask him about that when he is before us on Tuesday with regard to the mail service?

Mr. J. M. Johnson: Could I ask the clerk if he would advise him that the couriers' delivery is one problem?

Mr. Chairman: Another item that he should address.

Mr. R. F. Johnston: It would be interesting, because I get in-city ones all the time. They come into the office all the time. But I do not know

about things you are suggesting, like overnight. Maybe that is where the problem is. It will be interesting to find out.

Mr. Daigeler: I get them all the time, but I will check with my secretary.

Mr. R. F. Johnston: But it is true of special deliveries?

Mr. Daigeler: I do not know myself. I will have to check into it.

Mr. Chairman: Maybe the members could check with their own offices. If you have examples, then bring them with you to the committee on Tuesday when the deputy is here.

Mr. Daigeler: I can phone my office right now.

Mr. Chairman: Number 3.

Mr. J. M. Johnson: Number 3 is simply for discussion at some other time, not today. Certainly, I do not even want to get into number 3(a), "Members' Indemnities," with the exception of saying that at some point in time I think this committee has to take some responsibility for seeing that something happens.

Mr. Polsinelli: Is there not some type of House leaders' committee with respect to 3(a) that was established after our delayed Christmas holidays?

Mr. J. M. Johnson: There is something.

Mr. Polsinelli: Does anybody know what that something is?

Mr. Chairman: Mr. Reycraft, are you familiar with that?

Mr. Reycraft: The House leaders, I believe, have not met since the Legislature adjourned.

Mr. R. F. Johnston: But they do next week.

Mr. Reycraft: On Tuesday.

Mr. R. F. Johnston: It seemed like some progress was being made, as I understand it. They had a formal discussion, but that was some long time ago and may have been forgotten by all of those involved.

Mr. Polsinelli: Perhaps they should be reminded of their responsibilities.

Mr. Mahoney: Just a way of getting an adjournment, was it not?

Mr. Chairman: "Increased Mileage for Travel"?

1530

Mr. J. M. Johnson: Let us skip the rest, with the exception, at the bottom, of (e). These are just some of the concerns that have been brought to my attention. You mentioned that other members will have others at some other meeting, so then we can compare and have a more complete list.

On item (e), I have had a couple of members mention that their telephone bills and public utilities commission bills and some of these nominal payments that they incur, mostly at the constituency level, are delayed. Likely some of the problem is that the member himself is slow sending them in, but I understand the finance branch has been slow paying them until just recently. I believe the process has speeded up.

Mr. Chairman: I think they do a relatively good job. That is my impression. They have had some problems internally with computers and everything, but I think they are trying to do a very honest and quick job there. I think if people have individual concerns about it, maybe they should call the finance branch.

Mr. J. M. Johnson: As I said, some of these items were brought to my attention in December. I do understand that some of them have been looked into. I believe, Cindy, you mentioned one item.

Miss Nicholas: I was just mentioning that our telephone bill was paid about two weeks ago; the first telephone bill, which was issued about October 20. It just kept piling up, but they have now paid October and November. I am backlogged only three months now. I have the cheques and the bills being paid much more quickly in the last month, where a bill was, say, February 1.

Mr. R. F. Johnston: I had my PUC cut off once.

Miss Nicholas: I was getting concerned about that. My phone bill, with installation and so forth, was getting well over \$2,000 and I think I had only \$3 long distance on that. It was all just accumulating and I was getting a bit concerned.

Mr. Mahoney: It is like getting your welfare cheques.

Mr. J. M. Johnson: That is all I had, Mr. Chairman.

Mr. Chairman: Does any other member have matters he wants to discuss?

Mr. Daigeler: With PUC, I pay it first and then I am reimbursed. It actually works relatively quickly.

One thing that has been brought to my attention, and again I am not even fully aware how this works, is that apparently the members have the right to travel, I think 12 times, to any spot in Ontario?

Mr. Chairman: That is correct.

Mr. Daigeler: But there is no accommodation allowance.

Mr. Chairman: Right. Except for some northern members now. I noticed that in the memo.

Mr. Daigeler: Yes. This member brought it to my attention to say that it does not make much sense. There should be an accommodation allowance when you go to a particular spot.

Mr. Chairman: It does make more sense to give it to some northern members, where it takes more than one day to travel from one end of a constituency to another, whereas you and I may be able to do it. The concern

there is to be able to travel in their own constituency. What you are saying now is travel to a part of Ontario when you may have to stay there overnight and there is no accommodation allowance.

Mr. Daigeler: That is right, yes.

Mr. Chairman: I know what you are talking about because I have encountered the same kind of problems.

Mr. R. F. Johnston: It has always struck me as a very strange aberration in our policies.

Mr. Mahoney: I am just curious, and maybe you could enlighten me, what the rules are. If a member decided he wanted to go on his own and look at a particular problem in Sault Ste. Marie or somewhere, he can just go and charge that on his mileage? Is that how he would do it?

Mr. R. F. Johnston: There is a special list for air flights. You get 12 trips a year by any form of travel you want that you could submit for. It can be for giving a speech, going to investigate a problem or participating in a conference; it does not really matter. That is up to you and your responsibilities.

It is a part of your responsibility as a legislator, clearly, but the problem I have always found with it is that often those are speeches in Thunder Bay or Ottawa or Windsor and you cannot get a night flight back and that kind of stuff. You have to stay overnight. You either then sort of billet yourself with somebody you know in a riding association or you pay for it out of your own pocket.

It has always struck me as a strange notion. At least for those 12 trips, if you are accepting the responsibility for the travel as part of the Legislature, the other costs of accommodation, not meals or anything, should be assisted as well. I have never really understood why there is that distinction made. It has been made for the nine years I have been here and, I guess, for the full length of time you have been here, Mr. Johnson and Mr. Chairman.

Mr. Chairman: Yes.

Mr. J. M. Johnson: Yes. That was the reason I put item (d) down. I have had the same complaints from some of our members.

I think one thing we should keep in mind is that if we go to the Manitoba border, at the same time, if we headed south, we could be at the Florida border. We have such a large province. We have to think in terms of our members from Blind River and some of the places that are 1,000 miles away and consider the distances they have to travel and not think just in terms of being within 50 or 100 miles of Toronto. Some members do have some real concerns about distance, overnight accommodation and travelling in stormy weather.

Mr. R. F. Johnston: I have been snowbound several times.

Mr. Daigeler: I guess this has been noted now. Where does that go from here?

Mr. Chairman: The committee could put forth a recommendation. We can

either do it as a single one today or we can do it together with some others, if we are going to discuss some other things next week, and put them together as a package. We can make that recommendation to the Board of Internal Economy because that is where the decision is going to be made.

Mr. J. M. Johnson: Since I put the recommendation forward, I would just as soon not deal with it. It was just simply a proposed list. If you feel strongly enough about it to make a recommendation of a similar nature to the committee, then we can deal with it at that time along with other recommendations. These are just items for discussion.

Mr. Chairman: I would suggest that the clerk could get some information together for us and we could put it on the future agenda of the committee and discuss it, having the various materials before us. Then, if we want to make a recommendation to the Board of Internal Economy, we can.

Mr. Daigeler: I am sending you a letter already so I will include that as a second item, and I will expect a formal reply. I will let you deal with it.

Mr. Chairman: Thank you.

Mr. Polsinelli: Going back to the discussions we had about process a while back, have we decided that the chairman would send a letter to the members of the Legislature advising them of the responsibilities of this committee and that we would be dealing with the issue of members' services at some meeting? It just came to mind that some of our Metro members are asking for an increase in the constituency budget because of the costs they are facing in terms of maintaining one office and the exorbitant rental costs that are around in Metropolitan Toronto. Some of our members may wish to make representation with respect to that.

Mr. Chairman: That is another item that maybe we can get some background information on and discuss at a future meeting in terms of making a recommendation to the Board of Internal Economy.

Mr. R. F. Johnston: I think what is useful about the suggestion is two things. The last point that Claudio brought up again points out the problem of who deals with what, because the board has recently, as you know, increased the allotment available for accommodation and other things, for a constituency office, by \$3,700 and did it without it coming to this committee, which is very interesting.

Mr. Polsinelli: They increased it a month ago?

Mr. Chairman: Yes.

Mr. Polsinelli: I am not even aware of it.

Mr. R. F. Johnston: Yes. It was sent around in a memo about a month or so ago. I cannot remember the date exactly.

Mr. Mahoney: The amount for rent?

Mr. Mahoney: For accommodation.

Mr. R. F. Johnston: Accommodation. There are a couple of other things you could use it for, but primarily it is for your accommodation and public utilities commission costs, that kind of stuff.

Mr. Polsinelli: But not for constituency offices.

Mr. R. F. Johnston: For your constituency office rent.

Mr. Mahoney: They are going to save the money by not telling us, is that it?

Mr. R. F. Johnston: I cannot speak to what happened to you, but I got a circular on it and it was raised at our caucus meeting.

Mr. Chairman: I think we all got one.

Mr. Polsinelli: They are saving money. They are sending it only to the opposition parties.

Mr. R. F. Johnston: It is an excellent tactic. It has Robert Nixon written all over it, if you ask me.

The thing about it is that I think the mistake that is made is that again it confuses the process for how things should happen. In a negotiating process among the House leaders, this was thrown in as part of the package, as I understand it, at the last minute and to deal with what is a very serious problem that everybody is facing. I have to find another office within about a month and the prices are three times what I have been paying at this point.

That \$3,700 really does not deal with it. It still brings it around to \$9,000, \$10,000 a year maximum, for rents and I am finding it very difficult to find any place, even in a riding like Scarborough West where rents are generally lower, to meet that.

What bothers me about that is this business about who deals with what first. As part of a little deal that goes on behind the scenes among House leaders and others, this helpful move has been made, but without looking at it from the perspective of an analysis of what the rents are that people are facing and what the possibilities are, etc., which I think should have come to this committee. So I still think the matter that has just been raised should come before this committee.

1540

The second thing is to say that in looking at the other concern which we are talking about in terms of the trips and accommodation with trips, I think maybe it would be good to let members know that we are going to be looking at this kind of package of concerns, give them the general information about how they can access us, that kind of thing, and say we are going to be looking at those kinds of concerns in the next little while and any input they would like to have through the chair or their members on the committee would be welcomed.

A group of these things which obviously fit together should be dealt with together. I do not think we should have an April discussion of accommodation on the 12 trips and, in September, a discussion about whether or not the mileage should go from 26 cents to 27 cents or whatever. It seems to me that as a package of the things that we file on those expense sheets, it would make sense to deal with those as a package and let the members know that we are dealing with those as a package within a reasonable length of time for them to have some input to members of the committee or to the chair.

Mr. Reycraft: I think it makes sense to deal with a number of issues

as a package provided there is a close, direct relationship of the various issues. There is also a danger in that the larger we make the package, the longer it will take us to deal with it and the more likely it will be that the Board of Internal Economy might be selective in making any decisions. While it is true we do not want to deal with them in isolation, we also want to make sure that we do not undertake a very large view and get the package too big so that it works against us.

Mr. R. F. Johnston: I agree.

Mr. J. M. Johnson: I would prefer that we not send them a list of suggestions, certainly not my list. I think it might be helpful to them if we pointed out that certain matters should be referred to their own caucus chairmen or whips and certain other matters should be referred to the standing committee on finance and economic affairs or the Board of Internal Economy, but we can handle other matters.

If this committee receives some requests or concerns about certain issues, I do not see anything the matter with simply saying, "This is a matter that should be dealt with by the whip," if it is not a matter that we want to deal with, and emphasizing that we are not going to get into the political aspect of it. I am not sure we can say it quite that bluntly, but if the committee cannot agree that it is something on which it can arrive at a consensus, then it should not be dealing with it; it should be going to the whips and House leaders. If we can deal with just the issues that are not political and better serve the members, I think we will be doing some service.

Mr. Chairman: With regard to consensus and so forth, for the benefit of the new members here, this is probably the single most important committee dealing primarily on consensus rather than trying to take a vote on things. If you cannot put forward a consensus of opinion, then usually nothing emanates from this committee. I just say that for the benefit of new members.

Mr. R. F. Johnston: I just want to get something clear, though. I think if we want members to know how this committee works--I think we have a consensus on that--and the committee is going to be dealing with an issue like the accommodation question for the 12 trips, it would be useful to members to know that the committee is dealing with that so that they can express their opinion to you, as a member of your caucus, or to Mr. Breaugh, one of the Liberals or the chair, so that they can feel they are participating.

One of the things I still find frustrating about the House leaders' behind-the-scenes process in terms of these decisions is that you are sitting in caucus and you hear that the \$3,700 has been allocated and you say, "Oh, I really wanted to say to the board, 'Remember this and this about Metro,'" and have some input to that even if I am not at the meeting. For members to feel that this is their committee, they should have some idea, when we are dealing with matters affecting specific items, what those items are.

I do not know the best way to do that, whether at each caucus meeting the members from this committee would let them know what was coming up in the next little while in case they wanted to have some input, or whether the agenda, once established for this committee, should be circulated to members when it is dealing with their services or whatever. But it would seem to me that the principle of making members aware of what their committee is doing for them is a very sensible kind of process for this kind of committee.

Mr. J. M. Johnson: Quite often in the past when an issue has come to

this committee and we were not really sure how the parties felt about it, one member from each party referred it back to the caucus; then, if they received approval of the caucus, at the next meeting we carried on with it and if we found there was a problem, it stopped.

I remember one time a couple of members exceeded their spending allowance. At that time, the former whip attended our meeting and requested committee's approval to have the board pay those overpayments. The committee heard the comments that came to it and approved it. So our committee does have some impact, or it can.

Mr. Reyecraft: I think if we are going to talk about issues like members' travel allowances, including accommodation, or constituency office provisions and what is available, we should not try to deal with those two issues at the same time. I think also that we should let members know what we are going to be considering and invite their input, not necessarily in a verbal manner; they could advise us in writing of concerns and problems they are experiencing and we can take a look at the situation.

Mr. Chairman: We will circulate a memo to the members outlining some of these aspects, the ones you have concerns about, and see what their responses are and put it back on the agenda of this committee some time in the spring.

I just have one other item, and probably, if we are going to deal with the dining room some time in the future, we can deal with it. I had a concern expressed the other day about smoking in the dining room. In this case, it was cigar smoking. Somebody apparently was smoking a cigar in there and somebody else was so upset because it was affecting them health-wise that they went over and asked the person to stop and the person did not stop.

Mr. R. F. Johnston: I tried to control Ms. Bryden on that, but--

Mr. Chairman: I am just saying that you can give some thought to that and how you want to deal with it in the future. In addition, I do not know what other kind of matters should come up regarding the dining room, which always comes before the committee.

Mr. Faubert: Just on that smoking issue, the problem there is that it is not signed as nonsmoking or smoking. No one knows if there is a nonsmoking area. There are a lot of people who utilize that dining room. It does not say that you can request and get nonsmoking seating.

Mr. Chairman: That is what I am saying, that maybe this committee should take a stand on how you want to deal with it: whether you want to permit it, and whether you want to just permit cigarette smoking but not cigar smoking.

Mr. Faubert: I think we insist that the Toronto bylaw is enforced.

Mr. Chairman: I just say that some time in the future we should deal with it.

Mr. Reyecraft: It is a pity we waited until Mr. Sterling left.

One other matter I might raise before the committee is a predicament in which a lot of the newly elected members find themselves. Those who were teachers, and I suspect some others who may have been in public service as well, have found themselves in difficulty with their pension situation.

Some time ago, during the last government, amendments were made to the Teachers' Superannuation Act which had the effect of stopping the practice of members participating in the Legislative Assembly retirement allowances plan and some other publicly funded pension plan as well. The action simply allowed members to make contributions to the teachers' superannuation fund only if they were not participating in another publicly funded pension fund. The intent was that members who had been teachers before becoming members of the assembly or involved with other funds would have the option of either continuing with their previous pension fund or discontinuing that and contributing to the LARAP.

The problem is that the Legislative Assembly retirement fund does not have any optional provision. So those people who were teachers before September of last year find that they are now no longer able to participate in the teachers' superannuation fund. Many of them have made contributions to that fund for 20 years or more. It seems to me that there is a way to resolve the matter and that would be by an amendment to the Legislative Assembly retirement fund, but I understand there may be complications with that too.

I know one of our caucus members has written to the Speaker asking for the Board of Internal Economy to consider that matter, but to this point the board has not acted on the issue and, of course, the longer the issue remains, the more difficult it is going to be to take any kind of corrective action after changes do occur. I am not sure if that is a matter that is properly placed before this committee. I did not think of bringing it to this committee's attention or advising my caucus member to do so when it was brought to my attention last November, I believe, but it is one that very well perhaps should get some consideration here.

Mr. R. F. Johnston: I think it is very rightfully a place to come to. I think LARAP is a service that we expect as members. There was not the intent, when we did that, to stop people from having an option. As you say, it was to stop double-dipping, which we all agreed with. The notion was that in most cases LARAP would be the better plan for people to be in. But a person who has been paying into a teachers' plan and went to the Ontario municipal employees retirement system even, I would think, for a long period of time at a high level of salary perhaps before becoming a poor provincial politician, might definitely be losing out by having to stay in LARAP or would want to pay both, even though that option is not there. I think it is something that is appropriate to come here.

On the other hand, of course, it might be a means of controlling the number of teachers coming into the House, and I might have to give this some consideration in terms of its being a useful backhanded approach to quality control here at the Legislature.

Interjection.

Mr. R. F. Johnston: On a serious note, I think it would be very wise for us to get some information accumulated as to what the impact would be in terms of changing LARAP to make that optional and find out what would be the impact on those people who would be participating in the plan. I do not know how many teachers there are in the House now, and OMERS people, but if it is a significant number, clearly that could affect the financial basis on which LARAP as a group fund is established.

That might be problematic, but I think we should at least investigate that at this level from this committee. If this committee comes to a consensus

on the matter, then let us forward that to the board to prompt it into some action. I think it is an appropriate thing to be brought here.

Mr. Chairman: Having Bill 1 in place, does anybody have a conflict of interest on this?

Mr. J. M. Johnson: I think there is one simple solution: just have one of the former teachers, the present Treasurer (Mr. R. F. Nixon), come before us and he could tell us in a few words.

Mr. Polsinelli: Except that he probably did not contribute to the teachers' superannuation fund when it was worth anything.

Mr. Chairman: Mr. Reycraft, do you have some comments?

Mr. Reycraft: Just one comment, Mr. Chairman. The amendment only came into effect for those members who were elected after the date of passage of the amendment. I do not think there is anybody here who has a conflict.

Mr. Chairman: I was wondering, Mr. Reycraft, whether you would assume some responsibility for getting information on this and then maybe bringing it to the committee. We could put it on the agenda some time. I think that is a matter that could easily be discussed by this committee with a recommendation. If you wish to do that, together with the clerk, would that solve it for the time being?

Mr. Reycraft: I would be happy to do that, Mr. Chairman.

Mr. Chairman: There are some excellent matters that have been raised today. Are there any others? If not, this committee is adjourned until 10 o'clock on Tuesday morning.

Mr. R. F. Johnston: With a possible meeting on Wednesday.

Mr. Chairman: With a possible meeting on Wednesday.

The committee adjourned at 3:55 p.m.

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)

Breaugh, Michael J. (Oshawa NDP)

Cordiano, Joseph (Lawrence L)

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Johnson, Jack (Wellington PC)

McClelland, Carman (Brampton North L)

Polsinelli, Claudio (Yorkview L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

Swart, Mel (Welland-Thorold NDP)

Substitutions:

Nicholas, Cindy (Scarborough Centre L) for Mr. Morin

Reycraft, Douglas R. (Middlesex L) for Mr. Cordiano

Clerk: Forsyth, Smirle

Staff:

Eichmanis, John, Research Officer, Legislative Research Service

Witnesses:

From the Ministry of Government Services:

Caplice, Dennis P., Deputy Minister

Beaumont, Anne, Assistant Deputy Minister, Supply and Services

Steeves, Eric L., Director, Information Services Branch

Mazzotta, Angela, Manager, Legislative Services

Patten, Hon. Richard, Minister of Government Services (Ottawa Centre L)

Lowry, Robert W., Executive Director, Design and Construction Division

Coe, David, Regional Manager, Properties

From the Office of the Assembly:

Edighoffer, Hon. Hugh A., Speaker (Perth L)

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Tuesday, March 29, 1988

The committee met at 10:17 a.m. in committee room 1.

MEMBERS' SERVICES

Mr. Chairman: I call the meeting to order. Members will remember that we invited the Deputy Minister of Government Services, Dennis Caplice, to appear before the committee this morning for approximately half an hour to an hour to discuss a couple of items Mr. Johnson had suggested we speak about. One was the mail service and the other was the Purolator or kinds of delivery service the ministry is involved in.

Mr. Caplice, welcome to the committee. Would you please introduce the people with you and the positions they hold?

Mr. Caplice: On my immediate right is Anne Beaumont, who is assistant deputy minister, supply and services division of the Ministry of Government Services. On my left is Eric Steeves, director of the information services branch of the Ministry of Government Services. On my far right is Angela Mazzotta, manager of the legislative precinct or the legislative services. She works in this building, and I am sure is familiar, at least as a face, to a lot of committee members.

We are prepared to answer questions that you have as members. We have some handouts here we can give to the clerk. One deals in a flow-chart sense, I think, with the mail service, as we see it, flowing both within government and into government. We also have a short summary which Anne and Eric will speak to as to the measures we are taking currently to try to improve the mail service both internally and externally. We are having active discussions with the Canada Post people and we are looking at the retention of a consultant with Management Board to evaluate the complete government mail service to see whether we can make improvements in it.

With those brief opening remarks, I will let the questions come and will direct them to Anne, Eric or Angela.

Mr. Chairman: Thank you, Mr. Caplice. Mr. Johnson, do you wish to start?

Mr. J. M. Johnson: Did you want to make your presentation first?

Mr. Caplice: No, I do not believe I am making any more statements than that. I understand you have some concerns.

Mr. J. M. Johnson: Yes, I do. I have the handout that most of the members have. One of the concerns I have is that the mail is taking--eight days may be an exaggeration, but here is an example. I received a letter on March 25 from the Ontario Provincial Police. It was sent March 18. It could have been a summons. It was not, so I was all right. Another letter received March 25 was sent March 14; 11 days is a fairly long time. This is postmarked "Kitchener, March 14," and it arrived in my office March 25.

I do not for a minute imply it is all your fault, because much of it is Canada Post's, but I do feel that 10 to 11 days is not acceptable for a member of the Legislature to be receiving mail. I pride myself on returning calls within the day, if I can, and responding to letters within a day or two. With a week to 10 days, sometimes it is too late to respond.

I do not know what we can do. I hope our committee would work with you to help you in whatever means and methods you can devise to improve the service. If it is a problem with Canada Post, maybe we can exert some influence in that direction. I do feel the members are entitled to a little better service than we have been getting. I am not sure how we can address it. That is the purpose of my handout and the reason I wanted this discussion with your ministry.

Mr. Caplice: I will ask Anne Beaumont to outline things briefly. I think some of the material she is going to cover is covered in the handout, but also she will tell you just where we are in our discussions with Canada Post.

I think we have two issues on the table here. There is the external mail, which is dropped in a mailbox anywhere in Canada or the world and then takes a certain amount of time to get here. Then there is our own internal mail service, member-to-member, etc. We have two distinct services in operation here, but they do cross over and interlink. Anne, maybe you would like to discuss generally how we are dealing with Canada Post.

Ms. Beaumont: Mr. Chairman, Mr. Johnson, did you receive copies of the handout?

Mr. J. M. Johnson: Yes.

Ms. Beaumont: There are two handouts, one you are looking at, Mr. Johnson, with the flow chart, but there is another with an indication of some actions that are being taken. On the second page of that, item 2, indicating Canada Post negotiations, perhaps I should indicate--

Mr. Chairman: Pardon me, Ms. Beaumont. The members may not have this. There are additional copies being photocopied right now, so if you do not have one, we will get additional copies shortly, if you will bear with us. Will you proceed, please, Ms. Beaumont?

Ms. Beaumont: The current situation with respect to mail coming into central Toronto to government offices which comes through the Canada Post system is that all of that mail is addressed to a postal code that starts M7A. M7A mail all goes into the government mail operation in the basement of the Macdonald Block, where we unsort it. We pick that mail up from Canada Post in an unsorted condition, sort it, deliver it to ministry mail offices or, in the instance of the House, to the legislative post office in the House, where it then goes through a sortation and is distributed to its eventual destination.

We are concerned with this process because we think it leads to unnecessary delays in the system. Where we are currently at is negotiating with Canada Post in the hope that it will do a number of things. One is to make some change in the postal code situation so that it will be prepared to deliver material to actual mail rooms and not all to one location in government, but to mail rooms, whether it be to the mail operation in the House or to mail rooms in individual ministries.

We are also negotiating for them to do some sort of the mail, to deliver mail to us and to pick up mail. At this point, we have been having discussions with the Toronto and Ontario regional offices of Canada Post and we are about to escalate them this week to the president of Canada Post because of some of our concerns about the speed, or lack of speed, of those negotiations.

Our hope is that we will be able to have them deliver to individual mail rooms. That will then speed up the process in the mail's getting here so that it can be sorted for delivery to members, but also it will free up some of our staff so that we can then devote some of those resources to some of the internal mail that is going between buildings in government.

We have already taken some action to address some of the concerns in that area. We did hire two extra staff on contract for the last few months of this year, and that has had some positive results to date in speeding up the flow of mail.

Eric can speak to some of the things we have been able to do to speed up the flow of mail and the study we are making of that for internal mail.

Mr. J. M. Johnson: I am pleased that you have recognized the fact that there is a problem and that progress is being made to resolve it. The problem we have is outside your jurisdiction and with Canada Post. Is there anything this committee can do or should do to assist you, or are things going along all right?

Mr. Caplice: I think we should let a week or 10 days go by and see where we are going to get with Canada Post in terms of requesting an improved service from it. In a brief discussion with him yesterday, our minister indicated that he was willing to put his weight behind further requests to them. If necessary, they perhaps would have to go to Ottawa.

The historic pattern, as Anne says, is that the postal code that is on most of the letterheads that you people are using and the government is using in general directs all of the mail into the basement of the Macdonald Block. Many of the offices are now disbursed around Toronto and the people who are dealing with government are paying the regular mail rate. If the postal code is properly identified, you would think they would deliver it to the building on University Avenue or to the building on St. Clair or wherever it might be. We seem to be in a historic pattern here where the government mail is picked up by government employees and then all sorted in the basement of the Macdonald Block. That could be adding to the delays that you are encountering.

There is a very erratic pattern to Canada Post, I think, in terms of the kind of audits that are being done on it by itself and by the private sector. Sometimes in Toronto you can drop a letter in the mailbox on a given evening and it is delivered the next day, and then you can see a letter perhaps from one of the outlying areas of Ontario taking five or six days to come through Canada Post. So they have a very erratic pattern. They have their own problems that surface from time to time in the media and they are trying to address those as well.

Mr. J. M. Johnson: I think we would be remiss as a committee if we did not do everything we could to ensure that Canada Post does recognize that the members have a priority. Surely it is common sense that a letter that is addressed to a member of the Legislature should not just be thrown into one general mail drop. We also should wait until you have had your meetings with

Canada Post, but if you do encounter any problems, I think it is incumbent upon this committee to have a recommendation, go to the House or whatever procedure we should follow so that the federal government will be aware that we are not willing to accept the type of service that we are being provided with.

1030

Mr. Reycraft: Did I understand that all mail addressed to any ministry here in Toronto has a postal code starting with M7A?

Ms. Beaumont: That is right.

Mr. Reycraft: So anything that is addressed to the Ministry of Colleges and Universities, the Attorney General, the Ministry of Health or the Ministry of Education, all that mail is being picked up by government employees and taken to the Macdonald Block to be sorted and then directed to its destination?

Ms. Beaumont: That is right. Canada Post, in essence, treats the mail room in the Macdonald Block as a post office. Those three digits of the postal code, M7A, are normally assigned to a post office, which would then do the sort and distribute the mail according to mailmen's walks, etc. There is no post office that is assigned those digits, M7A. All of that mail is government mail.

Canada Post does not deliver to us. They have indicated to us that they would be prepared to deliver the mail to the mail room in the Macdonald Block, but they could not guarantee that mail would arrive before 10 a.m. We pick it up at 7 a.m., so we can get a head start on doing the sort, because they do not sort the mail. It comes in large cages unsorted and includes mail for the assembly or, as you indicate, Mr. Reycraft, Health, the Ministry of Community and Social Services and everybody else. We do the sort for the ministries, take it to the ministry mail rooms and to the legislative post office here.

Mr. Reycraft: Is that not sort of like mailing all the mail for McDonald's to one restaurant to be shipped out then to all the franchises? Is there not a rationale for different ministries having different postal codes that could be used by Canada Post so that all the mail did not come into the one central office but went instead to Colleges and Universities--I do not know where they are--the Ministry of Skills Development, which is up on Bloor Street and to the Attorney General's office, which is down on Queen Street?

Ms. Beaumont: Yes. This is exactly the negotiation we are going through with Canada Post. In the discussions with them, they are blowing hot and cold, which is why we are escalating it up to the senior levels in Ottawa now. That is exactly what we want them to do, to assign different postal codes to different ministry mail rooms and to the legislative post office.

Mr. J. M. Johnson: Are they receptive to that?

Ms. Beaumont: They were receptive and then they were sceptical, so we are escalating it.

Mr. Caplice: I think it is fair to say to the committee members that we appear to be dealing with a historic pattern that has evolved almost from the late 1940s or early 1950s. I guess the government was smaller in those

days, there were not as many ministries spread around and the pattern has just continued. I think the cages of unsorted mail on a given morning that we pick up can amount to six, eight or 10 cages of mail. There is a definite delay in that, but they are arguing that has been the pattern and it simplifies their world.

Mr. Chairman: A typical bureaucratic response.

Mr. Caplice: Yes. They are a very beleaguered organization. I think they have other problems as well.

Mr. Reyecraft: Is there any other corporate entity that is treated the same way by Canada Post?

Ms. Beaumont: Eric, perhaps you could comment on the discussions you have had with other provinces on this?

Mr. Steeves: Most other provinces do get some level of service that is better than what we seem historically to get here. That is one of the bases of our negotiations with Canada Post, that we should be treated the same as some other provinces.

Mr. Reyecraft: I do not think that answers the question. I am not aware of any that are acting, as you said in the McDonald's analogy, as some kind of central group. I think Imperial Oil has offices in Don Mills and on St. Clair Avenue and other places. If you address it properly, Canada Post, I understand, delivers to that building.

Mr. J. M. Johnson: What about the federal members? Do they do better than we do?

Ms. Beaumont: The indication that has been given to me is that Canada Post delivers to one central point in each ministry of the federal government and that it delivers around the House.

Mr. J. M. Johnson: That is what we want, is it not?

Mr. Reyecraft: I wonder if we could get some indication of the general time lines. I am looking at the third page of the flow chart here that shows what happens to mail that comes in from the public. It talks about being picked up at the post office, then being sorted and delivered to the legislative post office, sorted there and then delivered to the MPPs' offices. What kind of time do you expect it to take at each step, once it is delivered to the legislative post office, for the mail to get to the MPP's office?

Mr. Steeves: In terms of the first one there, we should be shooting for one--

Mr. Reyecraft: I am looking at item C, mail to MPPs from the public.

Mr. Steeves: The first box there, Canada Post, would be picked up at seven o'clock in the morning. It comes to our sortation plant in the Macdonald Block basement. We have a one-day turnaround time for that. It comes over to the legislative post office, is put in the members' wickets that same day and then it is delivered. So it could be the next day before the members might receive it in their offices, depending on the time it actually gets. I understand there are two deliveries a day for most members' offices.

Ms. Beaumont: That is right.

Mr. Steeves: What is it, 8:30 and--

Ms. Beaumont: There are two deliveries per day, one at 8:30 in the morning and another one at two o'clock in the afternoon. Therefore, when the mail is sorted in the legislative post office, our usher messengers--two of them, to be exact--pick up those deliveries and deliver them to each member's office.

Mr. Steeves: So it should be next day.

Mr. Reycraft: So mail addressed to me that was taken to the Macdonald Block this morning should be in my office some time tomorrow.

Ms. Mazzotta: We have the two deliveries, but then mail is also in the wicket for each member, so if there is something that the member wants to come down and check out or send one of his staff down, they know we will be in there and sort it out first thing in the morning. But we have the two runs per day.

Mr. Reycraft: I assume that if an MPP is a minister or a parliamentary assistant with an office in a ministry, there are a few more steps they have to go through.

Mr. Steeves: Flow chart D would be typical of that situation. That usually involves sorting by the sending minister's mail people and mail room sending it to our big mail plant in the Macdonald Block, sorting it again and sending it to the receiving ministry's mail room. So there are three sorts there. That process, according to our recent transit tests, because of additional people we have added, has been dropped from about 2.8 days to two days, desk to desk.

However, that whole process is cumbersome. It is based on a very decentralized model that we now have and that is the subject we are looking at. We are asking the consultant to look at it in the government mail review. We are asking somebody to come in and look at the overall process and tell us what can be done to improve the system and should we have a different model, a more centralized model perhaps, or is the existing one adequate.

Mr. Polsinelli: The mail at the Macdonald Block is picked up at seven o'clock in the morning?

Mr. Steeves: The Canada Post mail is picked up at 7 a.m. at their big Eastern Avenue plant and brought to our facility.

Mr. Polsinelli: What time does it reach their plant? That means you are picking up the prior day's mail there.

Mr. Steeves: If it is dropped in a mail box in Thunder Bay, it is their system that takes it from there to their Eastern Avenue plant. We just go several times a day to the Eastern Avenue plant to pick up our mail.

Mr. Polsinelli: So it is not just at seven o'clock in the morning. This happens a number of times a day.

Mr. Steeves: Yes, We go three or four times a day. We get 26 cages--if you have seen a cage, it is about the size of this desk, square--of unsorted Canada Post mail per day. Twenty-six million pieces of mail flow through the Macdonald Block mail room.

Mr. Caplice: Just as a point of clarification, I think Canada Post is doing some transit tests of its own. We could make copies available to you. We have results of the most recent one. They are claiming an improving service across Ontario, based on the transit tests we have seen. There is some scepticism out there among people who are on the receiving end that transit tests are not portraying what actually is going on. We do not really have a capacity to track the time from the point where somebody uses a mailbox anywhere in Ontario and drops a letter into it until it gets to the main sorting centre for Canada Post down on Eastern Avenue.

As I was saying to Mr. Johnson, it appears to be excellent in some cases. It is just amazing how quickly it seems to get delivered in Toronto, but that outlying sort of service, when mail is coming in from outlying communities, seems to be the difficulty. I do not know whether those letters you were referring to are from--

Mr. J. M. Johnson: They are outlying. There is some hope you are going back to the pony express.

Mr. Caplice: If we all check our mail, it is quite amazing sometimes how quickly they--the letters are often just postmarked the day before and they are here. But that is not the case for the whole service provided by Canada Post.

Mr. Chairman: Are you finished, Mr. Reycraft?

Mr. Reycraft: No. I am interested in knowing what the time lines are on the flow chart on the second page and the first page as well.

Mr. Chairman: On A and B?

Mr. Reycraft: B talks about mail going from MPPs' offices here in the legislative precinct to ministries outside the precinct. How long should a letter that was delivered to the legislative post office at noon today take to get to the ministry? Can somebody tell me that?

Mr. Steeves: Which one are you on?

Mr. Reycraft: B: Items from MPPs to ministers located outside the legislative precinct.

Mr. Steeves: We would be shooting for a two-day turnaround total, desk to desk.

Mr. Reycraft: That is including the time it takes the ministry to sort the mail out and get it to its appropriate destination?

Mr. Steeves: That is right. On the first one, we should have one-day turnaround, so that if it is in by 10 in the morning, it should be sorted and picked up at the two o'clock delivery and you should have it that day or, at the very latest, the 8:30 delivery next morning, depending on volumes.

Mr. Faubert: I have a couple of questions. The first two paragraphs on the Queen's Park intergovernmental mail service are very interesting. It is exactly the same condition the Canada Post is in because what you are doing is taking a system that should be an economic, efficient, reliable service and forcing people to move to a courier system, which is obviously more expensive in the long run. It seems to me there should be no impediments to establishing such an efficient system.

I can appreciate the first concern, and that is the centralized aspect of the mail delivery, because it never should be that. That has been a historical pattern with Canada Post. I can remember working in the post office when I was in high school, as a matter of fact. All the mail for the Legislative Assembly and all the departments came centrally into Canada Post, down at terminal 1, and everything went into big bins and was shipped out.

We are really saving them a lot of trouble, time and effort. By going back to them, without eliciting another lecture from Ed Roworth, we can deal with them in a very hard-nosed manner and tell them we just cannot accept that any more. I do not understand how we can have put ourselves into such a position, because we are much larger than any other corporate receiver of mail, I think, anywhere in Canada. On that basis, we surely have some weight we can put behind an argument with Mr. Roworth, but I know he will come back with a lecture that mail is only--I think his favourite lecture is, "Mail is only materials handling." He will tell you that, but the mail that comes here, I suggest, has much greater importance, interdepartmentally and to the legislators. It is not just bunk and misses, not junk mail, not most of it, only certain letters, eh, Jack?

Mr. J. M. Johnson: Much of it is, but you have to sort it.

Mr. Faubert: I just wonder when we have last reviewed our internal system and if we have come to the conclusion that we cannot improve it any more than the level it is at and if we have identified the centralized aspect as being the major problem.

Ms. Beaumont: We have spoken to the decentralized nature of some of the Ontario mail system with the post office in the basement of the Macdonald Block, the individual mail rooms in ministries and the legislative post office here. We in the Ministry of Government Services have looked on a periodic basis at the main mail operation in the Macdonald Block and how we do the sortation there, etc. The last time we looked at that was a couple of years ago.

There has not ever been a study that we can trace of the whole system involving the mail system within ministries and how they do the sorting of mail, the relationship among those ministry mailrooms, the general mail operation in the Macdonald block and the legislative post office. That is the study we are now embarking on, to get a consultant to look at that whole system to see if that can be improved, because that is the basis of so many of the problems. I think you are right there.

Some of the other bases of the problems are the relation between us and Canada Post. As I mentioned, we are looking at trying to make some improvements there.

Mr. Faubert: Without being facetious, I assume people can read. You employ them and you pay them a good salary, so why are there mistakes such as not being able to identify between names--although similar, there is some

difference among members--and mistakes being delivered like that? Do you pay a comparable rate to a Canada Post office?

Ms. Beaumont: Our rates would be generally comparable, I think, because we are both unionized organizations.

Mr. Faubert: So you have the same problem Canada Post has internally. OK.

Ms. Beaumont: I think with respect to the problem that is indicated in Mr. Johnson's paper in the second paragraph, there can be no excuse for material going to the wrong address if the names are clearly written and spelled properly. I think sometimes it is easy for mailmen, recognizing they have a large volume of material, if two Johnsons are spelled the same way, perhaps in the way the letters are addressed.

Mr. J. M. Johnson: Just as a supplementary on that, the problem is not the first error, but when my secretary takes the time to clearly define that it was a mistake, to mark it appropriately and send it back and then it is returned again, now that is inexcusable. I do not know how you can justify that.

Mr. Steeves: Well, we will fix that.

Mr. Caplice: Is that happening week after week, Mr. Johnson?

Mr. J. M. Johnson: I do not know how often. My secretary sometimes gets so frustrated that she may have--but it does happen too often; it is not just an odd occurrence. We do get mail quite frequently from Cam Jackson and Richard Johnston's mail. I can understand that, but not when it is clearly marked that it has been mistakenly addressed or sent to the wrong room, the new number is put on and it has been sent back and returned again. It has happened on quite a few occasions.

Ms. Beaumont: We will follow up on that, because you are right, it is inexcusable.

Mr. Faubert: By way of a question, because it will explain why in Ottawa they have a better system, you are aware that there is an internal courier system that supplements the Ottawa system. There is also a whole system whereby it is pour le main or hand delivery. There are coded tags that go with mail that is urgent. There is all that system which we do not appear to have here. Have you looked at those systems?

Ms. Beaumont: Yes. That is part of the examination that we are embarking on in having a consultant look at our whole system, but we do have internal systems for delivery for members' mail. Perhaps Angela can speak to the role that messengers play in that.

1050

Mr. Faubert: Before she does--and I want to hear the answer--you have a consultant's study. Can you tell me when that study will be ready?

Ms. Beaumont: We are just at the stage where we have gone out with a request for a proposal. We are just starting.

Mr. Caplice: We will put a tight time frame on it.

Ms. Beaumont: We are shooting for August.

Mr. J. M. Johnson: Is this not in paragraph 1, where it says it is expected in August 1988?

Ms. Beaumont: Yes.

Mr. Chairman: Are we going to get into parcel delivery and so forth here or are we just getting into the letter services?

Ms. Mazzotta: We are getting into the mail service that the usher messengers deliver.

As I was saying, we presently have five full-time usher messengers and three sessional usher messengers. One senior usher messenger sorts out the duties of the usher messengers during the day.

When we assign two usher messengers at 7:30 each morning, they go to the legislative post office and pick up the mail from the slots. They proceed to wrap it up in elastic bands so they are all nicely separated out for each member and then they will put them in their buggies and deliver them to each office in the Legislative Building.

However, as you are aware, the legislative precinct is extended into the Whitney Block and we have the first floor of the Whitney Block, which is occupied by members. In the case of the Whitney Block, they have a setup where they have all the different slots and this is where our usher messengers deliver the mail. They do not go from office to office. We have not had any problems, so we figure that is working out OK.

We are also delivering mail to the second floor of the Whitney Block, which is the Legislative Assembly, and that is in three specific areas that have been laid out for our messengers to deliver the mail. As far as I know, we have not had any problems as far as the delivery of mail is concerned. If there have been, I have not heard of them. We deliver at 7:30 a.m. and 2 p.m. If the occupants in the office are not there, we normally deliver to the next office of the same caucus.

That is not because they are not delivering it to the proper office, it is just that there is nobody there, and rather than bring it back to the post office, which delays it even further, we normally deliver it to the next office or the main caucus office, whichever happens to be available at the time. Therefore, we do two deliveries and whatever is sorted out first thing in the morning is delivered at 8:30.

Mr. Faubert: Is there a special service for urgent requests?

Ms. Mazzotta: Yes, there is.

Mr. Faubert: We can phone for that?

Ms. Mazzotta: Any time members have called down to us, we have delivered urgent requests, parcels, not only within the legislative precinct but also in the vicinity of the downtown core to other members' offices. We have done that.

Ms. Beaumont: On a wider basis, apart from the areas that Angela is speaking to, you mentioned the availability in Ottawa of special services. We do not have those special services beyond those Angela addressed, but the arrangements we have, the contract that we have with Purolator, provides an excellent rate. I think we have their best corporate rate in Canada for delivery of material. From our examination, that has proved to be more economical than hiring additional staff.

Mr. Caplice: So you are saying Purolator is available to the members as well?

Ms. Beaumont: Yes.

Mr. Chairman: I understand that one of the concerns--and I heard this last week--is that what happens is that pieces of mail are picked up from a member's office and taken downstairs, but before they are delivered to the Whitney Block or the Hearst Block or something, they are kept there until there is a call for another piece to go over to the Hearst Block or the Whitney Block and then the two of them are delivered together. They do not want to take one piece over, so they wait until two or three pieces are assembled and then they will take them over. There may be a time lag there of several hours. Are you aware of that?

Ms. Mazzotta: I am not aware of that. I know if mail is going through the legislative post office, it will go directly down to the post office and be delivered in the internal mail. However, if it is something that is being delivered by our usher messengers as a special request, that will be delivered at the time it is picked up.

Mr. Chairman: It is more in the line of special request, where a messenger is supposed to take it over but he does not take it over right away.

Ms. Mazzotta: I am not aware of that.

Mr. Chairman: I have been made aware of that. I was not aware that you were not aware of it.

Ms. Mazzotta: No, I am not aware of that.

Mr. Chairman: You might want to follow up on that.

Ms. Mazzotta: I will follow up on that, yes.

Mr. J. M. Johnson: Under courier service--that was the last item, I think--I have in my hand a Gelco Express delivery, overnight mail, \$9.19, from my home town. It was to be delivered early in the morning. I was in my office by seven and I needed it by noon. At 10:30, I was able to trace it. My secretary found it in the post office and was able to pull it out, but I assume it would likely have been brought up around two.

Ms. Mazzotta: It would have been brought up at two, yes.

Mr. J. M. Johnson: There is something the matter when a special letter such as this has been sent by overnight express for nearly \$10. Surely the member is entitled to have it delivered to his or her door at the time it arrives. If there are extra costs involved, so be it, but for that price it certainly should not be thrown in the general mail.

Mr. Caplice: Did that envelope contain your name and office number?

Mr. J. M. Johnson: Room 159. I hope mail such as that with special courier service would be delivered to the member's office and the member would sign for it. I think, as a matter of fact, that is what you have at the bottom of your recommendations, that that does happen.

Mr. Reycraft: Would that not be the responsibility of the courier service, though?

Mr. Chairman: I thought we would deal with the mail service first and then the courier service. Are we finished with the mail service?

Mr. J. M. Johnson: Not quite. They were discussing mail service when they were discussing Purolator.

Mr. Chairman: OK. Proceed.

Mr. Steeves: If I could address that, Mr. Reycraft is absolutely right. The courier should deliver directly to the office. Purolator is one which I know for a fact has a very early run, something like 7:30 or eight o'clock in the morning. My people in the post office tell me that they come and there is nobody in the offices; so then they will go to a post office. We sign for the bag and then it is put in the wickets and delivered by Angela's people. Other than that early run when nobody is in the offices, the courier should be delivering directly to your office. In the agreements that we have with them, that is the way they are supposed to operate.

Mr. J. M. Johnson: I wonder if a simple solution would be that someone would have the responsibility of accepting parcels such as this at that early hour and then make a phone call to the member's office at eight or 8:30 or whatever appropriate time, so that the member knows a parcel has arrived. Sometimes you receive courier service and you are not knowledgeable that it is coming. In this instance, I was expecting it and I phoned every 20 minutes. All I am asking is how do we address the problem? How do we solve it?

Ms. Mazzotta: If I may say so, as we were saying, when the courier delivers first thing in the morning, it is usually sorted out so that by the 8:30 run the package should be delivered to the member's office. You are requesting a telephone call with that?

Mr. J. M. Johnson: No. I did not get it at 8:30 and I did not get it at 10 o'clock. At 10:30 my secretary went down and found it in the mail room.

Ms. Mazzotta: I cannot say why it was down there. As I say, if they are delivered prior to the 8:30 run, we normally deliver by 8:30.

Mr. J. M. Johnson: I even phoned the express company and they did not know where Queen's Park was.

Mr. Caplice: What we have to check into is that maybe the couriers, for sheer convenience--they are in a hurry--are finding at 9:30 that somebody in our office is signing for it and they are just dumping it. I think we are going to have to make a point that every piece of courier mail, whether it comes at 7:30, 8:30, 9:30, etc., is looked at and the member's office is notified. These courier people get cute and quick too. Instead of going upstairs and finding room 159, they know where that place is in the basement, and if somebody will sign, that is where they go.

Mr. J. M. Johnson: Perhaps if no one signs for it, they will have to look for it, will they not?

Mr. Caplice: Yes, that is right.

Ms. Mazzotta: That would be the usher messengers. I have asked them not to sign for anything after the 8:30 run.

Mr. Steeves: I have advised my people too, Mr. Johnson, that they should not be signing for anything that should be delivered directly to you except in that early morning time.

Mr. J. M. Johnson: But then, having accepted it at that early morning time, you should notify us.

Mr. Steeves: Then we will notify you.

Mr. Faubert: On a supplementary, I just wanted to establish that, for security reasons or otherwise, prior to a certain time, there is no direction that it be delivered centrally or to a central depot. You have not established any policy like that with all couriers?

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Mr. Steeves: No.

Mr. Faubert: So they can come into this building. They have access to this building.

Mr. Steeves: When you pay or anybody pays to have courier service, you expect it and pay for it to be delivered to the individual addressed.

Mr. Faubert: Some corporations have rules that do not do that. When you deal with courier companies, you should ask them about that.

Mr. Steeves: We do not have that security problem.

Ms. Beaumont: We ask them to deliver it to the room that it is addressed to, as long as there is someone there to sign for it, because someone must sign for delivery of courier mail.

Mrs. Sullivan: I had questions going back to the relationship with Canada Post. If Canada Post says no, then how will the Ministry of Government Services adapt to the system here to take advantage or to change the operation to ensure that outside mail is received in a more efficient manner than it is now? My mail from my constituency to my Queen's Park office averages two weeks.

Ms. Beaumont: The workings of the mail system within Canada Post are obviously outside of our control.

Mrs. Sullivan: That is not my question. My question is, if Canada Post does not decide to move away from the post office system, how are you going to readjust your post office so that we can have more efficient mail delivery?

Ms. Beaumont: There are certain things we have to have in place so that we can guarantee more efficient mail delivery, apart from the option, an

option we do not want to take, of a major increase in staff. The option is always there, I assume, but that is not our preferred option. What we prefer to do is to see Canada Post take on some of the responsibilities, as the deputy indicated, that the 37-cent stamp is paying for.

If they are not prepared to do that, in order to provide the best level of service that we can, we will continue to pick up the mail from Canada Post because we do not think it is acceptable to look at delivery from them--the first delivery at 10 o'clock--of unsorted mail. We think that would lead to further delays.

We believe that, regardless of discussions with Canada Post, the work that the consultant will be doing for us will lead to the avoidance of some of the duplication that currently exists in the system with numerous sortations of mail at different points through the process. As you look at these charts, you can see there are a number of different sorts of mail. By looking at the whole mail system across government, we are hoping to avoid some of those individual sorts.

One of the things we are also looking at in that study is the impact on the mail system of some of the technological changes we are now seeing, such as the large number of fax machines that are now being installed and the move towards electronic mail in some offices. If we can determine the projected impact of those two things alone on mail around government in the next few years, we hope we can then look at freeing up some of the resources that we currently devote to some of the mail and go in that direction to deal with those resources to improve the internal mail system.

Mr. Caplice: Just a comment. The use of the fax machine is increasing remarkably in North America. It is a growth market for those who are manufacturing and selling them that they dreamed about. I think it is 24,000 and 96,000 projected in the next year to 18 months. Many corporations are using them. A lot of lawyers are using them. "Original signed copy to follow" is printed on the bottom and they are closing an amazing number of deals with the fax machine. Whether or not the fax machine is going to creep into your constituency offices and similarly into your offices here at that level, I do not know, but it is moving ahead like you would not believe.

You wonder whether the post office is going to be needed at all in the years ahead. That is the real question.

Mr. Chairman: We are hoping, Mr. Caplice, that members will become very much aware of the fax machine first hand in the near future.

Mrs. Sullivan: On the question of automation, clearly fax is a useful tool, as are the electronic mail systems, although the system we have now is not what you could call perfect. Have you looked at the system in the Ministry of Revenue, which also has a different postal code in Oshawa? Their sorts are done at an extraordinarily fast pace, as they have to be, because they are dealing with tax remittances and so on. Have you looked at that kind of system, in case Canada Post does not agree to change the post office system that it is using now for the assembly?

Ms. Beaumont: Eric, do you want to comment on that?

Mr. Steeves: I am not exactly familiar with the system. I have been out and seen Revenue's operation. I am not exactly sure what you are referring

to there, but we do have quite an automated sortation system in our Macdonald Block complex. We have an automated sorting machine that is quite unique. Very few operations have it. It has really enabled our productivity to be increased. You are more than welcome to drop over and see it.

We have implemented a fair amount of automation. I guess if Canada Post cannot do what we are asking it to do--and we are hopeful it can--we will have to look at more ways of improving our productivity even further.

Mr. Chairman: Before we go much further, I want to remind members that we have the Speaker and the Minister of Government Services (Mr. Patten) here. I would like to cut this off in about four minutes, because the others are on a fairly strict time line. The matter before us dealing with those gentlemen is fairly important to this committee. In fact, this was added after that was put on the agenda, so let us finish up in four minutes. If we have to have the deputy and his colleagues back, we will do that. I would like to finish today, but otherwise we will have to have them back.

Mrs. Sullivan, do you want to finish and then Mr. Johnson? I think that will wrap it up then. Also, perhaps you can include in your comments the courier service. We may have to come back another time or maybe you will have a progress report for us at another time.

Interjection: I think that has been looked after.

Mr. Chairman: That has been looked after too. OK.

Mrs. Sullivan: The last question that I wanted to ask related to the security of mail, particularly at distant points such as the Whitney Block. The Whitney Block post office, because all of the members in the Whitney are Liberals, is located in the Liberal members' switchboard room. What we have in that room for members' mail is simply a box that has slots in it with no security. Any time that room is not occupied, the mail is insecure. Have you thought about that as being part of your responsibility rather than being part of the caucus's responsibility?

Ms. Mazzotta: I know they have the slots over there. This is where our usher messengers pick up and deliver. We have not been aware that they have been left unattended. I have always felt there has been somebody in there. If that is not the case, we will have to look at it to see whose responsibility that is. Our usher messengers will go, deliver and pick up, and that is about all that is involved.

Mrs. Sullivan: What we are using is basically an old box that we had up on the fourth floor, and I do not think that is good enough.

Ms. Mazzotta: If it is not acceptable and office-to-office delivery is what the members request, then that could possibly be arranged.

Mrs. Sullivan: Thank you.

Mr. Chairman: Mr. Johnson, two minutes.

Mr. J. M. Johnson: I will be very brief. I would first just like to congratulate you on your presentation. I do know that you have accepted a problem we have and will do everything you can to help resolve it. I hope we can take a look at what Ottawa has and see if we can duplicate that type of

service here. I very strongly encourage you to hire your consultant and get on with the job. I wonder if we should, as a committee, recommend that the Ministry of Government Services and Management Board of Cabinet--I was going to say hire consultants--do whatever is necessary to improve the efficiency of the mail service to the members.

As far as the ministers are concerned, they can look after their own problems. Would that be in order?

Mr. Chairman: I am not opposed to it. I am just wondering whether that goes without saying.

Mr. J. M. Johnson: What I am suggesting is that we lend our support to the Ministry of Government Services.

Mr. Chairman: Why do you not put it in the form that you ask Government Services to make the mail to members a top priority as far as its responsibilities are concerned?

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Mr. J. M. Johnson: Excellent.

Mr. Chairman: If all the members are in favour of that motion from Mr. Johnson, then--

Mr. Faubert: Just on process, order or process, whichever you wish, there was also a suggestion within that by Mr. Reycraft, which I thought was a good one, that they continue to seek discussions with Canada Post related to the dispersal beyond the M7A aspect of the centralization of the mail service. Not that I have any doubt in their ability to negotiate with Canada Post--they are as good as anyone else, I guess--but on that basis, would a resolution of this committee for a specific recommendation such as that lend weight to it when they negotiate with them? I think that is what Mr. Johnson is getting to also. Or do we just operate by a consensus and say we discussed this and that is what we are looking for? It seems to say a resolution or a consensus that we want better service does not get down to the specifics.

Mr. Chairman: OK. Do you want to amend that motion?

Mr. J. M. Johnson: Just change it.

Mr. Chairman: Just change it?

Mr. Faubert: Just add it to Mr. Johnson's recommendation.

Mr. Chairman: OK. What are the two points then that you want to include in that motion?

Mr. Faubert: Mr. Johnson's was basically to--

Mr. J. M. Johnson: Support the Ministry of Government Services in their efforts to improve their mail service.

Mr. Chairman: Specifically, you want it top priority.

Mr. Faubert: And the decentralization of the process, the M7A process. The centralization of the mail now is one they should be pursuing actively with Canada Post, because I understand the obstruction is with Canada Post.

Mr. Chairman: The centralization of the mail at Queen's Park?

Mr. Faubert: Yes.

Mr. J. M. Johnson: Would it not be up to the consultant to give his advice as to that?

Mr. Faubert: I think they have already identified it consistently, and it is historical, the roadblock in the distribution of mail. I think we agreed when Mr. Reycraft made a suggestion that that was the prime thing, to allow the mail to be delivered directly to ministries at their stated address.

Mr. Reycraft: I wanted to ask a question, a very brief one.

Mr. Chairman: On that?

Mr. Reycraft: No, not on this topic, just before we break off.

Mr. J. M. Johnson: Would it not be of some benefit to have a copy of a resolution go to Canada Post and to the federal government, so they understand we are not very happy with what we are receiving? This is an election year.

Mr. Chairman: Can we get one drafted up between the two of you, so we know what we are talking about, and then put it before the committee later today or next week? There seems to be uncertainty about exactly what you want to say and we can do that. If you want to meet together a little later on, we can work on that.

Mr. Reycraft, you have another matter.

Mr. Reycraft: Very briefly. We did not ask about outgoing mail from ministries. Does it all go through the government mail service as well or does it go directly into the Canada Post system from the ministry?

Mr. Steeves: Perhaps I can answer that. For the core area in Toronto, we have five trucks that make 200 stops at a variety of locations around Toronto, pick up all the mail and deliver it to Canada Post on a daily basis. Outside that core area, it goes direct. But we take it directly to the post office. So when we pick up mail, we take mail down there as well, about four times a day.

Mr. Reycraft: There is no sorting done before you take it to Canada Post then?

Mr. Steeves: No. It is just bagged at the ministry level, Canada Post mail, and we pick it up and take it, since we are going to the post office anyway.

Mr. Reycraft: I am amazed that with all this handling we do not wear it out before it gets to its destination.

Mr. Chairman: Mr. Caplice, Ms. Beaumont, Mr. Steeves and Ms. Mazzotta, thank you for coming before the committee. We may very well have you back in a few months if things do not improve as far as the members are concerned.

Mr. Breaugh: Why do you not ask for one of those supermailboxes?

Mr. Chairman: Thanks again and good luck in your negotiations.

As the second item on the agenda this morning, and since we are on a fairly tight time line here, I think we will proceed, we have before us the Speaker, the Honourable Hugh Edighoffer--would you come forward, Mr. Speaker?--and the Minister of Government Services, the Honourable Richard Patten. Please come forward with whichever assistants you wish. If you have some assistants, will you please introduce them at this time?

The subject is the negotiations going on between the two parties with respect to turning over the legislative precincts to the Office of the Speaker. I do not know whether either of you gentlemen have a statement to make at the outset. If not, members are prepared to start firing questions at you. Mr. Caplice, are you going to join them?

Mr. Caplice: Yes.

Mr. Chairman: Before you proceed, I understand we have until one o'clock. Is that correct? Lunch will be brought in about 12 o'clock. We can maybe just recess for a very few minutes and then proceed until one o'clock.

RESTORATION OF LEGISLATIVE BUILDING

Hon. Mr. Patten: I have a brief introduction to this subject that will take about three or four minutes. I would like to make that statement, if I may.

This meeting is timely because, as you know, we are engaged at the moment in examining the whole question of the transfer of responsibility. My deputy minister and I share certainly your interest in the future of this building, which I gather is the primary subject for today.

We would like to talk to you about two matters: (1) the transferring of responsibilities for the operation of the Legislative Building from the Ministry of Government Services to the Legislative Assembly and (2) the status of the renovation plan for the building itself.

As you can appreciate, one of the biggest challenges for the Ministry of Government Services as a property manager is in dealing with the ageing stock of government buildings. Of the 9,500 buildings we look after across the province on behalf of the government, none is as unique or presents such special challenges as the Legislative Building. It is the home of the Legislative Assembly, the seat of Parliament, the real and symbolic focus of the government of Ontario. It is not only the most important government building in the province, it is also the elder statesman of government facilities. The building appears to be ageing gracefully, but as you are no doubt aware, it is not ageing very well. The building has not undergone any major repairs or renovations for almost 80 years, since the north wing was built. I was not around at the time.

As we all know, major repairs must be made. There are modernization items needed to equip a 19th century structure for the technical and telecommunication demands of the 21st century. We must look ahead to the next 80 years of service, not only catching up with past wear and tear but preparing the building for the future.

In many ways, we have outgrown this stately facility and we must deal with changing space requirements that the original structure was never designed to accommodate. It is a unique building with unique challenges and opportunities. I know your committee members have seen examples of how other jurisdictions have handled similar situations and I am sure you have noted key features of successful restoration projects of this scope.

It is our opinion that restoration needs a champion, someone to show leadership and make decisions on behalf of all of the interested parties and resolve conflicts where they may occur, someone to oversee the project and ensure that schedules and budgets are adhered to. As some of you know, the federal government is in a similar position with the Houses of Parliament in Ottawa and it has responded by putting a high-profile person, Jean Pigott, head of the National Capital Commission, at the helm of its restoration efforts.

I mention the renovation issue first because it is connected to the transfer of responsibility to the Legislative Assembly and to the Speaker's office. With this transfer will come not only control of all the functions that relate to the Legislature, but also responsibilities for the repairs, operations and maintenance of the property. As I am sure you appreciate, restoration of the Legislative Building is high on the list of these responsibilities. It is a massive undertaking.

It has been estimated that it would cost something in the neighbourhood of \$100 million to build a Legislative Building of today if we started from scratch. The cost of restoring it could well be in the same neighbourhood or exceed that particular figure. While this restoration dominates the issue involved in the transfer, there are a number of other matters that will also require resolution.

As you know, there are a couple of alternatives that were examined to answer the question of who should have the ultimate responsibility for the legislative precincts. In the interest of time, I will not go into the background of those options that were studied, but we have that information available.

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The decision was that the Office of the Assembly would assume the chief responsibility of the legislative precinct. It would decide on all services performed and their priorities for all precinct occupants. It would obtain the funding needed to do this, and for its part, the Ministry of Government Services would provide advice and act as agents for the office.

To accomplish this, it was agreed that a memorandum of understanding would be developed outlining the respective roles, and this would form the basis for a final agreement and implementation plan. I have received a draft of this memo of understanding and, subject to minor amendments, I am in agreement with the principles as outlined.

There are some matters to be worked out concerning the actual transfer, however, which are there to ensure a smooth transition of responsibilities. These include staffing, provisions of service, funding arrangements and services to the Cabinet Office, the Office of the Premier, the Office of the Lieutenant Governor and the other client groups that share the legislative precinct. These are important matters but not what I would call major stumbling blocks.

Once these details have been ironed out, I am sure we can move to an agreement and begin the implementation of the changeover, to be completed, in our estimate, by October 1, 1988. This period of transition would take between six and 12 months. Once this is complete, we will be in a better position to work together to plot the course of the restoration of the Legislative Building, beginning with the crucial decisions on how we tackle it and who should do it. Costs and timing are decisions for farther down the road.

With the co-operation of this committee and the Office of the Assembly, I am confident we will see a smooth transition of responsibilities from my ministry, and this will be done in a timely manner. Then we can build on this agreement to work together to develop an action plan for the restoration. The Ministry of Government Services has a broad range of expertise and experience to offer, and we stand ready to assist in this important project in every way that we can.

As you well know, the year 1993 will mark the centennial of this building. Through our efforts, we can once again make it the jewel in the crown for the Legislature and the people of Ontario and make this centennial truly a cause for celebration. My deputy and I, the Speaker of course, and we have a few members of our senior staff, would be happy to answer any questions.

Mr. Chairman: Thank you. Mr. Speaker, do you wish to make some comments at this time?

Mr. Speaker: Yes, I would just like to add a few comments. The minister has made a fairly comprehensive report of what has taken place. I do not have a prepared text. As you know, I was representing all the members of the Legislature at the Commonwealth Parliamentary Association in Trinidad and Tobago last week.

Mr. Breaugh: Is there no end to these excesses?

Mr. Speaker: I thought I would make you aware of that. That is not the reason I do not have a prepared statement. I felt I should maybe just make a few comments off the top of my head regarding the activities that have taken place between my office and the Ministry of Government Services, and including the Board of Internal Economy.

Back in 1986, the Board of Internal Economy passed a couple of motions which involved a space needs study of this building, which we felt would tie in very well with the future restoration plans. Also, at that time we were asked by the Ministry of Government Services to agree with their going ahead to develop a master plan for restoration. This has been in development since 1986.

Within the last year, following, I guess I could say, an order in council, it was requested that a memorandum of understanding be developed, which the minister has referred to. This, I think, has been undertaken very seriously by the minister's staff, the Clerk and myself.

We had a number of discussions and we developed a number of items in the memorandum of understanding. As recently as, I believe, January 27 of this year, the four of us--the minister, the deputy minister, the Clerk of the House and I--met to come to some agreement. We are still involved in getting that completely down on paper.

After that meeting, I informed the Board of Internal Economy and gave it a copy of the proposed memorandum of understanding. I hope I did not work too independently, but I felt that until something was definitely on paper, it should probably be developed prior to discussion with the board and this committee. We have always felt that once an agreement was agreed to, that proposal should go to the board for its approval and also to let this committee have a look at it. I agree with what the minister has said. We are well on the way. I hope that because of the report made by this committee on a previous occasion, recommending that the precincts be taken over by the office, it will be carried out smoothly in the very near future. I look forward to the opportunity to answer any questions I am able to answer.

Mrs. Sullivan: I know a great deal of work has gone into the preparation of the memorandum of understanding and that it has been made available to the Board of Internal Economy. I wonder if Mr. Patten could address and highlight for this committee some of the major issues addressed in that memorandum, including time frames, as he sees them developing.

Hon. Mr. Patten: All right. Along with the memorandum is a schedule of services. The overall question when we looked at the model of passing over responsibility, is we could say, "Look, everything that the Ministry of Government Services or anyone else does now is not only the responsibility of the Legislative Assembly, but they will set up their own infrastructure to handle everything and they will do everything."

As we examined that, the model we are moving towards essentially is that is probably not the wisest thing. We want to be clear on who has the responsibility. In fact, we had a lot of experience with providing the services. So by arrangement, by contract, if you will, without disrupting the labour factor, the experience and expertise--this sort of thing--that we have, we can clarify the responsibility and the accountability and still provide the people to continue to do the job by a contractual arrangement. This is sort of what we moved on.

There is complexity in this particular instance. I know some people were looking at the model of Ottawa. Ottawa's legislative building does not have features that this building has in terms of clients. In other words, in this particular building we have the Office of the Premier, the Cabinet Office and the Lieutenant Governor's facilities--meeting rooms and residence. We also have, if you take the precinct, other ministries as part of the Whitney Block. It is not just the Legislative Assembly participants, politicians' offices and staff. From that point of view, we had to try to look at who might serve those.

One of the things we looked at was, what might we maintain directly? One of the things we thought--by the way, do people here have that schedule?

Mr. Chairman: No, we do not. We would love to have it if you could share that with us.

Hon. Mr. Patten: OK.

Mr. Caplice: Could somebody make some copies?

Hon. Mr. Patten: In fact, there is a list of 26 items. Perhaps you can get a copy. I will give you a few examples: acquisition of furniture, repairs of office equipment, stationery, printing services, translation, telephone, moving services, usher and messenger services, parking allocation, parking control, accommodation planning, media, studio, housekeeping, locksmith. There are 26 such items.

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As we looked at those, and we did this over a good many meetings, we arrived essentially at the position that probably six of those MGS would sort of retain--service responsibilities for the Lieutenant Governor, the Premier's office and Cabinet Office, for six items: the acquisition of furniture and equipment, repairs of office equipment, repairs to furniture, stationery, printing services and translation. The other 20 would remain the responsibility of the Office of the Assembly.

If you have a copy of that, you can see what some of those are. That would be a considerable shift in responsibility. With some of the major things, as I say, we would still act as being available, on contract, or the assembly might say: "No, we don't want to deal with MGS. We would prefer to go on the open market to get services."

Our recommendation is that we feel we can do the job. We would like to continue to provide those services and we think we can.

Mr. Faubert: Does that include food service?

Interjections.

Mr. Chairman: Does that answer your question, Mrs. Sullivan?

Mrs. Sullivan: Yes. I thought that would be useful for the committee. That is fine.

Mr. J. M. Johnson: I was on one of the so-called junkets to Sacramento and Victoria. I was quite impressed by the committees in both California and BC. In California, they have a capital restoration committee that was set up, I think, about 10 years ago. It is still in existence and continues to monitor the needs. In BC, the British Columbia Buildings Corp. was established as a crown corporation in 1976 and apparently brought strict accountability to the allocation of government accommodation. It controls the Legislature as well as other buildings.

I am not sure we have to go that route, but I do feel we have to set up a committee. Last year, the standing committee on the Legislative Assembly's Report on Proposals for the Restoration of Ontario's Parliament Buildings made a recommendation that a special committee be set up.

I compliment both you, Mr. Speaker, and the minister in working towards transfer of responsibility. Once that responsibility has been settled, in this instance in the Speaker's hand, I think it is up to the Legislature to take some action to set up a committee. I hope this restoration project would be nonpolitical and that all parties would see the need to restore the building and to work together to do so.

I think we would be remiss if we did not debate the issue in the House. I understand the report has been tabled but never debated. Hopefully, some time in the spring session, before you get into your complete transfer, members of the Legislature will have the opportunity to participate and make their suggestions as to how best to bring about the positive results we are all looking for.

I think that out of that debate we may have some meaningful dialogue. Here is the report. The deputy minister can study that and give us his recommendations.

Mr. Caplice: May I keep this?

Mr. J. M. Johnson: I am sure the former chairman has many extra copies.

I would like to say that on the trip to Sacramento I was very impressed by the restoration project there. Our chairman advised us that we should not discuss the money because that becomes only meaningful dialogue, so I will not mention the dollar figure, but it was substantially less than the figure you mentioned and they did a tremendous restoration project, a lot less.

Mr. Chairman: US funds and completed in 1982.

Mr. J. M. Johnson: The British Columbia Legislature is also an extremely impressive building and I think that we can gain a lot by seeking the advice of these people. Rather than travelling any more to these different areas, I would like to suggest that at some point, maybe before we become too deeply involved, we request one or two individuals to come from Sacramento, Victoria and maybe a couple of other state capitals.

Instead of sending committees to deal with them, we could have the committee, the minister's office and your office, Mr. Speaker, meet with these delegations and seek their input into how best to go about starting the project. I leave it at that for the time being.

Hon. Mr. Patten: Mr. Chairman, I wonder if I might ask my official to make a few comments related to Mr. Johnson's comments?

Mr. Chairman: Could you introduce your official, please, Mr. Patten?

Hon. Mr. Patten: Yes, this is Rob Lowry, who is the executive director of design services with the Ministry of Government Services.

Mr. Lowry: Thank you very much. The committee is probably quite familiar with the fact that the Ministry of Government Services has been looking at this building for some time. In fact, ongoing operations and repairs continue on the building.

Over the past few years, we have been aware of the work done in Victoria and Sacramento and previously members of the ministry did visit those facilities to look at the work that has been done. Considerable work has been done in terms of looking at the interested parties who should be involved in a committee such as the one you recommended. We have prepared the terms of reference for calling proposals for a master planning consultant.

During the discussions for the transfer of responsibility and the memorandum of understanding, that work has been put on hold until those responsibilities are clarified.

Mr. Chairman: Thank you. Mr. Johnson, are you finished?

Mr. J. M. Johnson: For the present time, yes.

Mr. Breaugh: I have a couple of things. For the last year or so, we have had some really nice young people going around measuring things. Why were they doing that and whatever happened to it?

Mr. Speaker: I can certainly answer that one.

Mr. Breaugh: They appear to have left.

Mr. Speaker: Yes, as a matter of fact, the space needs study has been completed. It is on the agenda for one of our next board meetings. The board members, representatives of each caucus, have each received a copy of the final proposals, and I put that in the plural. It is not just a singular proposal. Copies are available through your caucus representative. That work has been completed. The board found that there was nothing--and I hope I am correct in this--on record around here giving the exact measurement of this building. That is one of the reasons you saw all those fine young people running around.

Mr. Breaugh: I knew there was a reason for my personal insecurity. That is probably it. A couple of things have been brought to my attention that centre on the working out of this agreement. I had been told previously that there was some hope the agreement would be completed this spring some time. Are you now saying October?

Hon. Mr. Patten: No. I think the transition of responsibilities and services and working out the arrangement would be that. I think we are imminent in terms of signing here.

Mr. Breaugh: You believe the agreement will be signed this spring and probably the implementation date completed by some time in October?

Hon. Mr. Patten: It could be days, yes.

Mr. Breaugh: OK, because I did have some people raise some concerns with me that there is a little difficulty in terms of a transition period. There is a fair amount of contracting out going on, where employees are not quite sure of what their status is, so that delaying of the process appeared to be causing some problems. When you finalize the agreement, do you anticipate that will alleviate some of those difficulties we have been encountering with staff and things of that nature? In other words, as soon as you know who is ultimately going to be responsible for this, will there still be a need to have a fair amount of contracting out around the building?

Mr. Caplice: I think in the initial drafting of this agreement, as we now have it with the Speaker's office, we do not envision any great changes in the current approach to the management of this building, both in the provision of services and in the overall planning for space as it relates to the various clients who are in here. I think it will be a matter of getting the proper dollars transferred from MGS's budget to the Speaker's budget. Those services will be journal-entried back to us and the same people essentially will be providing them.

I am not up to date on the number of contract people involved versus the number of permanent public servants, but there is a considerable amount of the service, as I understand it, now provided by the permanent public service. David Coe is here in the back of the room. I wonder whether he could step forward.

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Mr. Breaugh: I am not sure we want to get into a long, involved discussion of it now, but some people have raised those concerns with me.

Mr. Caplice: We do not envisage any major switch, and I will let the Speaker speak to whether he sees any major change in the players in the building.

Mr. Speaker: As I see the agreement, and I have just received another copy before me here just now, but as I see it from our previous discussions, we want to try to have as smooth a transition as possible. As you can see by the number of items on this paper, it certainly involves a fair number of individuals who are on the staff of Government Services.

We envisage contracting, as smoothly as possible, with the Ministry of Government Services so that those people will be maintained here. I expect, within a six-month period--I hope even a little faster than that--it could be done.

Mr. Breaugh: I will just conclude by making a little pitch. I will put it as bluntly as I can. I am really uncomfortable that there are people working in the building who are here on a basically contract basis. Previously, that work had been done by people who were members of a bargaining unit. I understand that in a transition period you do not want to hire somebody on permanent staff this month and then fire him next month because it is not there, but there is a certain amount of awkwardness in defending the status quo, let me say.

I just urge you to expedite that process, if you can, particularly in regard to people who are employees of the Legislature now. That is not a very good foot to get off on.

Related to that, I have heard the words "grand plan" and several grand plans announced, and I have seen smidgens of paper, portions of reports, this, that and the other thing, all of which disturb me no end because I am not convinced there is a grand plan. Worse yet, maybe there are several grand plans.

Could you give us a status report on that? How many wonderful designs for the restoration of this building are there?

Mr. Caplice: Maybe you could outline the steps as to what we have planned, Mr. Lowry.

Mr. Lowry: There is in fact no single grand plan.

Mr. Breaugh: That is what I was worried about.

Mr. Lowry: You can recognize that a great deal of work needs to be done to deal with a building as large as this and with the number of occupants that this building contains.

We do have proposals in terms of the process to be followed. The space planning study that the Speaker made reference to is a critical first step in the process, because until we know the requirements for the occupants of this building, it is difficult to prepare a plan for the space that is required to contain those activities.

Any plan will undoubtedly require interim relocations and a phasing of the restoration of the building, which will mean dislocation in the immediate area around this building. That impacts on other government functions.

The actual technical work of restoring this building, in addition, will require some exploratory work to determine what was behind the walls at the time the building was built. The architectural engineering drawings were not done to the standard they are now and much of it is a matter of working slowly through that process. I am sure the committee's visits to the other buildings found a similar kind of process with buildings of this age.

There is the need for a planner to look at the overall process for the interim relocation and the actual technical details of restoring the building. There is a need to look at the technological requirements for the occupants in terms of telecommunications, computer systems and building utilities systems within the building, such as air conditioning, and all this has to be integrated during a very complicated, phased restoration process.

In addition, and without denying its importance, the heritage characteristics of this building are extremely important to the province, particularly to our ministry and the Ministry of Culture and Communications.

Hon. Mr. Patten: While there is no grand plan, if we had not been in the process of transferring responsibilities, I think we would have had probably the heritage planner and a planning consultant to begin to scope out this stuff so that we can look at what we are facing. There is some work. As I understand, there is a report that is almost ready from the Ministry of Culture and Communications in terms of the historical, the heritage and the cultural aspects related to the Legislative Building. So there are a variety of pieces that are coming together.

Once we have an agreement on whose responsibility it is, we have some suggestions as to how we can move on that from a planning point of view. In fact, we already have a Management Board of Cabinet decision that will allow us to engage and do some of the preliminary planning with the heritage planner and the planning consultant. In that sense, it is imminent--if we can clarify the responsibility.

Mr. Breaugh: Let me just pursue this briefly with you. In most of the discussions that many of us have had with other jurisdictions, the key element is that at some point this has all got to get out on the table, in public, and people have to be shoving on the same side of the wall or it goes nowhere. I am somewhat concerned that there are bits and pieces of information, portions of reports done--none of which any of us has ever seen--that all have to be made public at some point in time.

Many of us are familiar, for example, with a number of the restoration projects in the United States. They decided they would do it on their own and spent about as much time and money in legal costs fighting off various heritage groups and other interest groups in their local communities as they did on restoring the building. Their advice was pretty straightforward. You

put it all on the table. You invite all of the groups that would have an interest to be participants in the process. You get one game plan, so to speak, put together. You decide how long you want to take to do this and how much money you want to spend, and then you go and do it.

I am concerned that as quickly as you can, if it is possible, all of that information be made public, either produced at the board or brought to this committee, or in some way we decide what have we got in terms of information about what needs to be done. We decide on the structure for the renewal or restoration and we make the hard decisions about financing and over what period of time. I am a little concerned that some of those options are going to be precluded by the time this agreement is struck, but I hope not many.

Hon. Mr. Patten: Mr. Breagh, I think the spirit of what you are saying is precisely what we are recommending. In fact, we hope the spirit is that the legislative precinct is a special thing. It is not the government but it does house the activities of government and plays a very special role. Given that, our recommendation is we should have an advisory committee that would be headed by some personage who would have some credibility and would have some capacity to give leadership to this particular project. Presumably, the Legislative Assembly would provide the backup services, the funding and all this sort of thing. All of that would then be put forward and a plan would emerge from that. This is the exact sort of feeling from our ministry and what we have been proposing, that of which you talk.

Mr. Breagh: Yes. I would just conclude by saying I really think we are near the time when all of this documentation and all of this planning have to get out and be made public. You have got to find a vehicle to do that, whether it is this committee, or the board or something else. I guess Leo Bernier is not busy now that Minaki has been completed. Inquire into what he is doing.

Mr. Faubert: I think Mr. Breagh is right on track with what he is urging. I ask part of this in my own naiveté about what has gone on in the past. Who are the occupants of this building? Has that ever been established? And who should be the occupants of the building?

Mr. Breagh: They are all transient anyway.

Mr. Chairman: No, no, no.

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Interjections

Mr. Faubert: We have the legislative chamber. We know that. We have the members of the Legislature, the Speaker, the Clerk and the Lieutenant Governor. But beyond that, who really should be occupants of this building? They said that is the first thing you establish before you even move ahead with it. Has that ever been done?

Mr. Speaker: I will try to answer that. In the past, there was an order in council passed which gave the Speaker the authority over certain sections of the building, mainly the precincts, the members' offices, the halls and the security. There were a lot of other areas, for instance, the area I am in now. It is not mentioned in that order in council, so I am not

responsible for the section I am located in at the present time. That is basically one of the main reasons for the memorandum of understanding which we are working on now to make certain we are aware of the group or the body responsible for the operation and the occupancy of this building.

Mr. Faubert: If I may, that is being worked out between you and the Ministry of Government Services?

Mr. Speaker: In the memorandum of understanding, yes.

Mr. Chairman: Mr. Speaker, can I ask you just to clarify that? When you are talking about the memorandum of agreement and you are talking about the legislative precinct, are you talking exclusively about this building, within the streets here, or are you also including in that some areas in the Whitney Block and/or other areas?

Mr. Speaker: We are talking about this complete building plus the grounds, plus two floors of the Whitney Block.

Mr. Chairman: Which two floors?

Mr. Speaker: The first and second floor.

Mr. Chairman: Ok, thank you. So we are clear on what we are talking about.

Mr. Speaker: As you can see, the first six sections of the agreement, as referred to by the minister, sort of spells out that certain groups are residents in the building but their services are supplied by Government Services. I think it is going to that end where it will spell out the residents of this building.

Mr. Breaugh: Can we see that?

Mr. Speaker: It is in the paper you received.

Mr. Breaugh: It is in this paper?

Mr. Speaker: Yes. The top section says the Ministry of Government Services is responsible for the Premier's office, cabinet office, legislative counsel, for certain things in there.

Mr. Breaugh: I do not mean to be picky, but it is kind of hard to make sense out of schedule A when you do not see the rest of the agreement. I do not usually accuse people of giving me too little information, but this is a little skimpy even for me. Is there any chance we could see the remainder of the agreement?

Mr. Speaker: You must remember it is the proposed agreement. It is not final yet.

Mr. Faubert: The second point, and it may be a rather prosaic question that I want to ask as a supplementary, is that while I do not have a great appreciation of the historic and cultural aspect of this building, one of the things we were told wherever we went was, "Fix the roof," because the roof is one of the main problems in any building that is of this age. Is that what you are doing? I do not think you have to wait for all these studies and

everything to do that. On the west side, the west wing especially and the problems of that, will that be a continuing repair before you even get into all these studies?

Mr. Speaker: I will have to ask Government Services.

Mr. Faubert: You are not going to have anything to protect on that side soon.

Mr. Lowry: If I could make some general comments in terms of ongoing maintenance, perhaps I might refer to Dave Coe. The roof is a very significant aspect. One of the difficulties is that the material on the roof is not a native Ontarian material and there is a heritage aspect to it as well. There are some considerations about the aesthetic appearance of it and the actual ongoing maintenance. The slate is certainly at the end of its useful life and there are ongoing maintenance problems created by it.

However, repairing the roof when it is known that there will be major alterations within the building may mean you do some work on the roof which you then have to undo when you do the alterations below the roof. It should be integrated into all of the other work that is being proposed for the building.

Mr. Faubert: When you have water problems, you are also doing severe damage to the interior of the building that you are going to have to repair anyway if you do not fix the roof. It is one of those chicken and egg things.

Mr. Lowry: It is a difficult balance.

Mr. Faubert: Are you proceeding on the basis now of fixing that roof?

Mr. Caplice: Do you want to let Mr. Coe get in on that?

Mr. Faubert: I did not get a yes or no answer.

Mr. Caplice: David Coe could give the committee an update on the ongoing operations and maintenance of the building.

Mr. Chairman: You will have to lean forward so that we can pick it up on the mike. This is for posterity's sake, so that it is all there 20 or 120 years from now.

Mr. Coe: I would say that until the memorandum of agreement is signed and all parties understand the terms and conditions, the Ministry of Government Services will continue to do things such as repairing the roof to prevent further leaking and so on.

I think Mr. Lowry's comments are very well taken. Any major work should really be integrated with the various other construction activities that will have to go on.

Mr. Faubert: I do not want to belabour this, but that means you have to wait until there is some decision made on all the other major components, which could be, according to the schedule I see, another two years from now.

Mr. J. M. Johnson: Oh, no. Next week.

Mr. Faubert: That is not the way I read that. Once you get out and start studying it, it could be two years before you decide what you are going

to do. You have not stopped with the water damage. I just want to know whether there is a continuing program and whether you are doing to do it.

Mr. Lowry: There is certainly a continuing program for maintenance of the building. The actual design and decision on the materials for the roof is a decision that has not been made at this point and we feel should be made as part of the overall plans for restoring the building.

Mr. Caplice: Did you indicate to the member how much money we are putting into operation and maintenance on a yearly basis, David?

Mr. Coe: I do not have the figure.

Mr. Caplice: But there is a considerable figure?

Mr. Caplice: There is a very considerable figure.

Mr. Faubert: I hope so. I want to compliment you on the work you have done to date, especially on the legislative chamber, on putting in the television and everything else, because that restoration and work is as good as any we have seen in any other province or place.

The point they kept making was, "Fix the roof." I want to ensure there was not some internal delay in getting that aspect of it initiated.

Mr. Lowry: The actual roof itself is a very major cost item as well. It is into several millions of dollars and, again, cannot be done in a single phase.

Mr. Coe: I would think it would have one of the highest priorities.

Mr. Faubert: It has. OK. Thank you.

Mr. Chairman: We will go to Mr. Sterling, Mr. Johnson, Mrs. Sullivan and Mr. McClelland. I am going to hear Mr. Sterling right now, then lunch will be brought in, then we will have a 15-minute recess and start again at approximately 12:15.

Mr. Sterling: I notice the Speaker expressing some surprise that we are going to have lunch. I do not know whether you told him, Mr. Chairman, that he is paying for it. That is part of coming in front of our committee and one of the privileges.

In my previous incarnation as a minister in Mr. Davis's cabinet, I sat on a committee with the Minister of Government Services and the Chairman of Management Board and we tried to start the process of renovating and restoring this building. That was some four years ago and to date nothing has happened with regard to really attacking the renovation and restoration of this building.

I am very much disappointed in a memorandum of agreement being the answer to saving this building from eventual disintegration, which is going to occur if we do not do something in a very strong and forceful manner to save this building for future generations.

I do not know whether any government, be it Conservative, New Democratic government--God forbid that ever happening here in the province--or Liberal--

Mr. Breaugh: That is from a guy who supports Brian Mulroney. Give me a break.

Mr. Sterling: Mike had his chance.

The renovations to put this building back into shape are going to cost a significant amount of money and no government wants to be tainted with the fact that it is spending perhaps \$100 million in order to, as it would appear in public perception, fix up politicians' offices, which would be the low level of politics it could get to.

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Over the last three years, this committee has visited several legislative buildings in the United States and it seems the only way that anything is ever done to rectify the deterioration of buildings and to restore them in both a historical and a meaningful context is to create a piece of legislation and, in fact, turn the building over to a semi-autonomous group of people in order for them to go along in a meaningful way and to have a budget to restore the building.

Can the minister and the Speaker in any way see fit to have that kind of structure set up, so we will in fact see something happen to this building?

I am not knocking the Liberal government as opposed to our government in terms of dealing with the problem, but when Mr. Faubert asked a question about the roof, that is specifically the problem. It is a big undertaking, it is a long-term undertaking, and you have to have people who are involved in this kind of process for not only a short period of time; I am talking of having people involved for 20 or 30 years in this kind of project to maintain the historical integrity of the building.

Have you, Mr. Patten and Mr. Speaker, considered such a structure so that we can at least start the process of dealing with what I consider a very serious problem?

Hon. Mr. Patten: I tried to address that question in my opening remarks. I will just recap that. Essentially, we agree that the legislative precinct in the Legislative Building is a special element and it should not be a political football. In fact, it has a special role. It serves government, it serves the people, but as an institution in our society it has a special symbolic, historical heritage and significance.

Given that, I would delineate between two terms: renovation and restoration. Renovation, to me, is a little less than restoration. Restoration is essentially taking what you have, trying to restore what is there, but making sure you maximize the efficiency of the building for its function. That is the way I would try to articulate that.

What we are doing at the moment is in anticipation of the major restoration. With our maintenance program, which is fairly costly for a building of this nature, we are not doing some of the things which, in fact, we should be doing in anticipation of that; in other words, big renovations. If we did not anticipate the restoration program, then we probably would be into some piecemeal restorations.

The objective is moving along the lines that you and Mr. Breaugh spoke about, of elevating, whether it is a special advisory committee or an

independent body that would not be caught up in the political wrangling which might happen under other circumstances, in order to give leadership to this particular venture. Whether it is an agency, too--the specific model we have not arrived at--certainly, it has got to be in the direction of being independent from what we have now.

I do not know if you were here for the discussion when we were talking about a transfer of responsibility. In other words, officially, to this stage the Ministry of Government Services would have some responsibilities for a project of this nature. Now we are saying, seeing that MGS and the Legislative Assembly are transferring responsibilities to where the precinct essentially would be in the hands of the Legislative Assembly, with us playing a different role than we have to date, with us providing services, advice, experience and whatever we can to support the ongoing operation of the Legislative Building, and certainly without being as specific as you were, that certainly should be examined.

Mr. Sterling: I do not know how high this is on your list of priorities or whatever, but if it is, in fact, going to be a nonpolitical, nonpartisan kind of decision, quite frankly, I see the only way to tackle the problem is for some body to have some political and financial muscle in terms of saying, "These are our priorities. This is the design of the restoration that is going to take place after due consultation," and then for the government to give it a budget in order to achieve the goal of that taking place.

Having said that, if that is the case, I can say as one member of this particular committee that I am quite willing to spend significant amounts of time and effort to sit down and write a piece of legislation for you. I do not know whether the government would consider bringing forward what we may call a bill, in consultation with all members and all parties, as to how such a structure could be set up.

I think there is as much expertise on this committee as there would be in any ministry to undertake that kind of endeavour. That is if, as a government, you are going to consider it seriously. I am not willing to put all that time and effort into putting that kind of structure forward unless you are really serious that you want something like that.

If you want to retain control of this Legislative Building, which is always a tempting proposition for an existing government, then that is fine and dandy. As I say, I do not want to be involved in it but I think Mr. Breaugh in particular, who sat on the previous committee, and many of the new members would like to really sit down and get at it because, if we do not have a design or a plan, then that roof is not going to be replaced for another five or 10 years and it is going to cost not millions but probably \$10 million to replace, if the previous estimates were correct. If something does not get going soon, then I think we will be sitting here five years from now and going through the same exercise.

Would you go to the Premier (Mr. Peterson) and ask him, specifically, if he would consider charging this committee with that kind of a task, if, in fact, this committee feels as I do?

Hon. Mr. Patten: The Speaker might want to make a comment on this. I am not sure, when you said "you," whether you meant our ministry or our government at this stage.

Mr. Sterling: I am talking about your government. You are representing the government in terms of the Ministry of Government Services.

Hon. Mr. Patten: I think we should allow the Speaker a chance to respond to that because, symbolically, responsibility is being passed over to the Legislative Assembly, in that sense, so it would switch. The Ministry of Government Services will not have the same kind of responsibilities it had in the past if this works out.

Mr. Sterling: There is money involved here that has to eventually come from you.

Hon. Mr. Patten: That is right. That is the big question.

Mr. Speaker: I might add the comment that your first and second questions referred to whether I would be interested in introducing legislation. First of all, as Speaker, I have no authority to do such a thing.

However, when you talk about a body being responsible for the restoration of this Legislature, as I would see it, there would be a great possibility that the Board of Internal Economy, along with this committee--its budget will, of course, increase once the memorandum of understanding is finalized for the maintenance and operation of this building--would have responsibility. I think you are talking about a group of parliamentarians being responsible. There is a group right here, plus the Board of Internal Economy, that would then have the authority to add so many million dollars a year to the budget for 10 years for restoration.

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That is the way I see it. Once the building is the responsibility of the Office of the Assembly, they could do it that way if they wanted to, even without legislation. I hope I am right there.

Mr. Sterling: May I respond?

Mr. Chairman: Sure.

Mr. Sterling: I guess my concern is that I think you need expertise outside of the people who are in this room as well as you need some input from people who are here. I forget which state, but I was talking to one of the persons who were there. They had an architect who had been working on that state legislature for over 20 years, within this particular structure, so he knew the history of how the thing was evolving, etc. I think some of the former members of this Legislature could make a great contribution to that kind of an endeavour.

We are pretty busy here in terms of the kinds of things we do as politicians. I would really like to see an ongoing structure, primarily headed by yourself or the Speaker of the day, which would be defined in legislation and would have some punch in terms of getting the money in order to renovate this building. That is what I was talking about--not necessarily a bill introduced by yourself. I would actually suspect that if that kind of situation evolves, if the government charged this committee with trying to define maybe one or two structures, then our committee chairman would introduce that bill on our behalf and that that kind of legislation, at that stage, would have significant support within the parties and could therefore be reached.

The point is to get the money into the hands and not be subject to day-to-day problems when you are dealing with this project. You need a significant amount of money over a period of time in order to carry it out. That is why I would like a separate board, a corporation or whatever to deal with this whole matter and get the proper advice from a lot of people and deal with it in a very professional manner. Once the ship was on its way, then it could not be diverted, irrespective of the particular government there or the particular financial circumstances.

Hon. Mr. Patten: I think this committee is probably a good place to consider that. One idea that has been thrown out is that this advisory group take it and run with it. Legislation to create a special body with a very clear mandate certainly could be another. It would seem to me that this committee might have a recommendation around structure. As soon as this memorandum of understanding is there, I think things will be a lot clearer. All the information, the studies that have been there, are all be available. You have them. You can take a look at them and then the process is there to begin to articulate how we should move from there. I think this could well be one of the recommendations.

Mr. Sterling: If this committee, after we have a chance to discuss it, does ask the question about going deeper into the structure of such a body, I would ask both of you to consider that, if that is the feeling of the total committee.

Mr. Chairman: I originally had intended to have lunch brought in at 12 o'clock. There were some problems. It was late, so I have suggested we wait until about 12:40 p.m. or 12:45 p.m., get the discussion over with and then have lunch and some informal discussion after that. I know you gentlemen have to leave at one o'clock.

Mr. J. M. Johnson: I think we are talking about two separate issues. One is the continuing use of this building and two floors in the Whitney Block. It is a possibility the Speaker will be taking over according to the memorandum of understanding. The two of you are negotiating all these different areas of responsibility separately, but I think you are both in agreement that restoration is extremely important. I personally do not see that the memorandum of understanding of how each office is going to handle certain allocations of space, etc. is going to have much effect on the restoration. It definitely will over a period of time, but certainly not in the first instance.

I think we have a political problem to sort out first, to get the will of the majority of the members. In fact, I hope we have the total support of the members that indeed they do have the will to seek to do something to restore the building. While we are waiting for the memorandum of understanding, can we not at the same time be dealing with other political problems in the Legislature and determine if we do have the support of the three parties and the members? Would you like to comment now? I have a couple more.

Hon. Mr. Patten: I think we are talking about only a couple of weeks, maybe a week, and then we will have this. In fact, we held off, because we see this, at least from the Ministry of Government Services point of view, as a very significant project. Technically, there is a lot at stake here: the nature of the building, its function, the new requirements of the day, etc. We thought, "Gee, if one group is going to give some leadership to this, when it is going to be shifting, let's clear that up."

We are not talking about a very long period, Mr. Johnson; we are talking about a matter of days or a week until I think we will have an understanding. Then it is clear who has the responsibility to drive that project, to utilize the consultants and the background reports and the models to be explored. Then it is very clear as to where that leadership is.

Mr. J. M. Johnson: The problem with that is that until we clear the political air, there is going to be difficulty with whoever is charged with the responsibility. I am just suggesting this committee could serve a useful purpose by bringing the topic to the House. Indeed, it has been recently. But if we debate the last committee's report on the restoration of the building and if the Legislature as a whole will indicate that indeed it does support the project, then it is possibly a resolution from the Legislature, even setting up a special committee to work in conjunction, I would hope, with the minister and Mr. Speaker.

We have at some point to debate that in the House. All I am suggesting is that we should be doing it sooner rather than later. If 1993 is the centennial year of this building, I would like to see us working towards having our restoration completed by that year.

In Sacramento, they passed legislation. The Joint Committee on Rules of the California Legislature in 1976 declared the restoration of the Capitol the state's prime bicentennial project. We could do the same and declare it as a centennial for this building.

Hon. Mr. Patten: Yes, 1993 is the centennial. I concur with what Mr. Johnson has just stated. My only point is that all of that can happen and we are just tidying up an arrangement that is imminent; in a matter of days it will be clarified. Yet it does not preclude all of what you have suggested.

Mr. J. M. Johnson: Mr. Chairman, my suggestion is quite simply that this committee bring forth a report to the Legislature and request that the government give consideration to having it debated at the earliest opportunity after you have completed your memorandum of understanding. Would that make sense?

Mr. Chairman: Mr. Johnson, what we will do is speak to the House leaders to see if we cannot get this report debated at the earliest possible time. We are going back next Tuesday, so maybe we could get it on the agenda either next week or the week after. The government might very well welcome that discussion early in the proceedings. Mr. Patten can probably help with that.

Mrs. Sullivan: I have a sense that part of the frustration of the members of this committee is that there have been a lot of studies and work going on behind the scenes which we have not been privy to. Certainly, the space planning study is one that is of key importance and it has taken a long time to do--a study about how the building should be used, what the general needs are for people who are occupying the building, including decisions ultimately that would have to be made as to whether or not the Premier (Mr. Peterson) stays in this building or is removed to another site and similarly the Cabinet Office.

I would like to ask about a study that I think is going to have to be undertaken before the restoration process proceeds, and that relates to the technical work--the floor loads, the electrical system, the waterworks and so on. Where are you on that study?

Mr. Lowry: The staff of the Ministry of Government Services certainly is quite familiar with the basic systems within the building in terms of their ongoing maintenance and repair. Any restoration or major work to the building would require total replacement of those systems. The systems that are here certainly do not match today's needs at all in terms of telecommunications or computers.

Part of the work that has been done in other legislative buildings is the challenge of putting modern technology behind the heritage features, and it is both an engineering and architectural challenge. I think that looking at the existing systems is certainly important in terms of ongoing maintenance, but the future systems represent one more aspect of that total restoration. It is another part that has to be worked into the total plan.

Mrs. Sullivan: What you are saying to me is that there does not have to be an interim study; the final restoration plan would include all of that technical aspect?

Mr. Lowry: That is correct. Yes.

Mrs. Sullivan: All right.

Mr. Lowry: The one area that would have to be looked at as preparatory work is a thorough study of the structural capacity of the building and the materials with regard to fire safety and structural capacity.

Hon. Mr. Patten: I might add that if we move ahead, as I think we will, we can do that work. We have that capacity to do the technical analysis and the first stage. We could do that this year.

Mr. Breaugh: Are they the same people who did the (inaudible)?

Hon. Mr. Patten: No, it was a different group.

Mrs. Sullivan: And none of that technical analysis has been done at this point?

Mr. Lowry: Some preliminary work has been done on analysing the structure, only in critical areas not as a comprehensive study, but that is related to our ongoing responsibilities, not a total restoration.

Mrs. Sullivan: OK. So the next step then becomes the total restoration plan, including the technical aspects. Once the memorandum of agreement is signed, what is your phasing planning now for starting that restoration planning? What is your time line?

Mr. Speaker: There is nothing in place, to my knowledge.

Mrs. Sullivan: There is nothing in place.

Mr. Patten: We have the authority to do some of the preliminary work this year, but we do not have the authority to announce the project or anything of that nature at this stage. The intent is there and we will do something about it.

In my remarks before, I suggested that perhaps to link to this centennial effort--it is not a government thing solely; it represents the people, all those sorts of things--we can move immediately on some of the technical analyses, the heritage analysis and all those sorts of things, in anticipation of that. We already have that authority from Management Board of Cabinet.

By the way, Mrs. Sullivan, the only reports I am aware of are the legislative report, which this group has already seen, and the space analysis, which every caucus has. The only other one is an audit being done from a heritage point of view, a historical point of view, with the Ministry of Culture and Communications. That will be available, I understand, in a matter of weeks. Those are the only reports I am aware of.

Mrs. Sullivan: I understood from an earlier intervention that there were proposals on paper relating to the process in terms of the involvement of outside experts and whatever.

The next question I was going to ask is, has any consideration been given to how the planners will be commissioned? Will there be a competition? How will they be selected? Will it be architectural or heritage firms?

Mr. Lowry: There have been discussions within the ministry for decades, really, concerning this building because we recognize it is a very important building. The minister made reference to the issue of a single point of authority for the building. We have, at a staff level, made proposals regarding various approaches that could be taken, listing the various people who might be involved outside the government, within the government and within the bureaucracy. We have terms of reference for the master planner and the heritage adviser. We also have the terms of reference for a proposal call and have made some suggestions, again internally, about various approaches that might be used. A competitive process is one of those proposals.

Mr. McClelland: I think Mr. Sterling's background and the question focused by Mrs. Sullivan in respect to time line were essentially the direction I wanted to go and that has been answered.

Mr. Chairman: I have a few questions. I am wondering what consideration has been given to alternative facilities while this building's east wing, north wing and west wing are vacated for the restoration. Do any of you wish to comment on that?

Hon. Mr. Patten: In anticipation of that, that would be one of the functions the Whitney Block would perform. Making the assumption that we would continue to do business in this House, we could do it only on a staging basis. Therefore, some people would have to move out of one part, relocate, make the necessary adjustments and changes in that particular place, and then move back. It would probably be over a 10-year period. One of the functions that Whitney would perform would be to handle that temporary relocation.

Mr. Chairman: When you are talking about temporary relocation, are you talking in terms of maybe vacating the legislative chamber for a period of time, or do you not anticipate that would occur?

Hon. Mr. Patten: I do not know. I am not going to get into the technical side of how that would flow.

Mr. Chairman: Let me ask you another question. A few years ago there

was a suggestion that the north wing be demolished and that a new wing be established, because that wing was constructed about 20 years after the original building, if I recall correctly. Is serious consideration still being given to that and would you consider that, in building a new building in the north wing, that would be a good alternative facility location; if that were done first, a new alternative facility location structure established--maybe five or six floors, no higher than the main building--and then move the different wings in there while the construction takes place? Has serious consideration been given to that?

Hon. Mr. Patten: I will ask Mr. Lowry to answer that.

Mr. Chairman: Because there are all kinds of problems with that building, as I understand it.

Mr. Lowry: In the late 1970s a very preliminary study was made within the ministry concerning a potential new north wing. It would have very significant heritage impact on the remainder of the building in terms of blocking view at the back and some other concerns. It is one option. It certainly should not be thrown out at this stage without further study. Any interim moves, whether to Whitney or to a new building, and the interim or stage phasing within this building would require significant disruption and a fair amount of confusion for several years.

Mr. Speaker: Just from visual observation around the centre north wing, I would be of the opinion--I have seen scaffolding there for many years now--that they will probably want to maintain that section.

Mr. Chairman: You mean the scaffolding in itself is now historic and they may wish to maintain that?

1230

Mr. Speaker: I might just make a comment about the possibility of restoration and moving one section of this building to some other location. Because of the space needs study, when you look at the space as it is used now in this building, if the members decided to increase their staff by one, we have to find a minimum of 75 offices and desks for people around here. It is a very cramped space.

What we have done since the planning study, because of the recommendation on the first six items as mentioned by the minister earlier in his comments, in the study that was done and the questionnaire returned by the members, they stated that probably some time in the future they felt the excess Premier's office and the excess cabinet office, and maybe the legislative counsel and the Lieutenant Governor, should be moved to another location. We gave it a fair amount of consideration.

I have already written to the minister that, just as a suggestion and a proposal, if the memorandum of understanding is agreed to allowing the Office of the Assembly to be responsible for the first two floors of the Whitney Block, if some of these changes were to take place with the cabinet, the Premier and legislative counsel and, if it were possible to make the third and fourth floors available in the Whitney Block, then those offices could go to the fourth floor and we would keep the third floor in reserve partially for eventual expansion here, and, of course, to allow for some movement of some of the facilities and people that are here if a restoration project got on the slate. There are some thoughts that there could be some room available there.

Hon. Mr. Patten: But you are going to ask them to leave.

Mr. Chairman: We have already discussed it partly here and some members have referred to the way other jurisdictions have handled the restoration. Is there, coming out of this memorandum of understanding, a proposal as to how the restoration committees will be structured and so forth? Is that part of it? It is something completely new that is going to have to be dealt with by the Legislature and no one has really sat down to this point and said, "Look, this is the way we are prepared to stand on it"?

Hon. Mr. Patten: From our point of view, we would be prepared to kick in all our thinking, all the people who have had to do some technical thinking to date, etc. In fact, we have some things that we can help with in the early preparation stages on an ongoing basis so we would be prepared to do that, but we have not done that to date.

The first step is responsibility. As soon as that is there, if this committee or the Speaker asks us and says: "Look, from your point of view, as you have gone through all this, what is your best advice? What is your thinking? What have you turned over in your minds or in your ministries or to whom have you talked?" we will share all of that. Then I think we can have a discussion around how that should be organized in order to proceed.

Mrs. Sullivan: This does not fit really with the restoration, although I suppose it does to a certain extent, but I have been looking at the memorandum of understanding and I do not see the transfer of the art collection and I wonder why not. I think that is something that is certainly a part of the heritage influence in the building itself. I am wondering why that would remain with the Ministry of Government Services and not come over here where, through the Speaker's office, additional capital could be put into that collection.

Hon. Mr. Patten: MGS is a custodian. It does not belong to MGS. I think it is the continuing government tradition to support and purchase works of art that are available for all of our government buildings, so from that point of view it would not be limited strictly to this precinct. That would not change. In other words, the art is still available, it is still here, but you need someone who will manage the whole of that for the government, and at this point we happen to play that role.

Mr. Chairman: Thank you very much for that. I think we have had a fairly good discussion today. I think it is going to prove very helpful in the future. This committee will ask the House leaders to have that report debated as soon as possible in the Legislature.

I want to thank Mr. Patten, Mr. Edighoffer, Mr. Caplice, Mr. Lowry and Mr. Coe for coming before us today. We might very well have you back some time in the foreseeable future. I hope you understand that the members here feel that this matter should be dealt with very quickly. We would like to get on with the restoration job, because we would like to have as much as possible done by 1993. We recognize it probably will not be finished by then. As you said, Mr. Patten, it would probably take about 10 years. The other thing is that the members very much want to be involved in the planning process and the implementation of the plan. Thank you again.

Before we have lunch, I just want to mention two or three things. One is that beside me to my left is John Eichmanis, who has been the legislative research assistant to this committee for about seven or eight years. I

remember particularly well his being very helpful to me on the predecessor to this committee, the standing committee on procedural affairs. He is now going to the Information and Privacy Commission. We want to wish him well in that new posting and thank him for the tremendous job he did for the members of this committee and for the Legislature as a whole. Thank you very much, John, and the very best in the future.

Mr. Eichmanis: Thank you very much.

Mr. Chairman: You are always welcome back, I might say.

Mr. Eichmanis: I will be back.

Mr. Chairman: Another thing is, Mr. Polsinelli mentioned to us last week that he had a matter he wanted to put before the committee. I have some letters that he has sent me and I will distribute them to the members of the committee.

Lunch will be here in a minute or two, so if you want to wait and get some of that, it is appreciated.

Perhaps we want to just deal with this very quickly. Mr. Polsinelli, I am just wondering if you want to speak to it. My suggestion is that we get some more information and maybe get Warren Bailie to come before the committee next Wednesday, after he is aware of this, to give us some information on this matter. We could discuss it next Wednesday at 3:30, after regular orders of the day.

Mr. Polsinelli: I am prepared to do that. The idea was just to bring it to the attention of the committee today so that we may at some point in the future discuss it.

Mr. Chairman: Would everybody be in favour of discussing this matter next Wednesday and having it on the agenda at that time? We will ask Mr. Bailie to come before the committee.

Mr. Breaugh: I have not had a chance to see this correspondence from Mr. Polsinelli. It is not clear to me that it is within the jurisdiction of the committee, so I would like to read the thing first. I do not have any objection if you put it on the agenda for the next meeting, but I think someone, probably the clerk of the committee, should take a look at whether we have much in the way of jurisdiction over a matter such as this. All right?

Mr. Chairman: OK. If there is no further business, we will have lunch and that will be it for this committee until we come back next Tuesday.

The committee adjourned at 12:40 p.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

USE OF PARTY IDENTIFICATION
MEMBERS' SERVICES
ORGANIZATION

WEDNESDAY, APRIL 6, 1988



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)

Breaugh, Michael J. (Oshawa NDP)

Cordiano, Joseph (Lawrence L)

Faubert, Frank (Scarborough-Ellesmere L)

Johnson, Jack (Wellington PC)

McClelland, Carman (Brampton North L)

Polsinelli, Claudio (Yorkview L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

Swart, Mel (Welland-Thorold NDP)

Substitutions:

LeBourdais, Linda (Etobicoke West L) for Mr. Cordiano

Nicholas, Cindy (Scarborough Centre L) for Mr. Morin

Clerk: Forsyth, Smirle

Witnesses:

From the Office of the Chief Election Officer:

Baillie, Warren R., Chief Election Officer

Wells, Lorie, Chief Election Clerk and Information Officer

Stewart, Alan, Policy Adviser

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, April 6, 1988

The committee met at 3:43 p.m. in room 228.

Mr. Chairman: I am going to call this committee meeting to order. Mr. Breaugh will be along shortly. He is somewhat busy in the Legislature right now. He has indicated that it is fine with him if we start early, providing we do not make any earth-shattering decisions.

Members of the committee, you have your agenda in front of you. I expect we will deal with items 1 and 2 and any other business you may want to add. Then we will ask that we deal with item 3 in camera today and bring a report back, possibly next week. If you want, we will start with item 1. If there is any problem with that arrangement, I would like to hear it now. If not, we will proceed.

I will ask Warren Bailie, the chief election officer, together with Lorie Wells and Alan Stewart, to come forward. If they all want to come forward, the seats are soft.

Mr. Bailie: Yes, they are OK.

USE OF PARTY IDENTIFICATION

Mr. Chairman: Mr. Bailie, you have received the communications we had from Mr. Polsinelli on this matter and you have submitted some information on that. We have some before us.

Mr. Bailie: No. Actually, you have some information which I think was submitted by Mr. Polsinelli.

Mr. Chairman: Oh, that is from Mr. Polsinelli then. Do you have any comments with regard to that? After you make some comments, then I am sure Mr. Polsinelli and other members of the committee may have some questions.

Mr. Sterling: Mr. Chairman, just before we start, in calling Mr. Bailie in front of the committee in dealing with this area, it may be best for the committee to find out exactly where the chief election officer lies in the whole legislative framework. In other words, maybe you could clarify that for me and the committee, Mr. Bailie.

Mr. Bailie: Fine. I am an elected officer of the House, under the section of the act, by a motion of the government, seconded by the opposition and, I believe, seconded also by the third party. There was an election, and so I am the first chief election officer in Ontario to be elected by the House. I report directly to the House. Reporting directly to the House is, in the practical sense, difficult. So it seems quite appropriate that there be a standing committee on the Legislative Assembly so that I can report to the House through this committee.

I would like you to have an idea of who Miss Wells, my assistant, is. She is a political science graduate from Wilfrid Laurier University and has been with the office--

Miss Wells: Waterloo.

Mr. Bailie: Waterloo, sorry.

Mr. Chairman: Either way, she is in good hands, coming from Waterloo.

Mr. Bailie: She has been with the office for about 13 years now.

Alan Stewart is the policy adviser at my office, working on a couple of projects. He is a barrister and a graduate of the University of Toronto and Osgoode Hall Law School.

Mr. Stewart: Good school.

Mr. Bailie: Another good school.

I have been involved in elections as an assistant chief election officer and returning officer for approximately 20 years, just so the new members of the committee can have an idea of what our background is.

We were not able to supply, and I regret that we were not able to supply any material for the committee. When we got the notice that you wanted us to come here and answer questions on this subject, we immediately started to check to see what material was available and to check with the other provinces. We found that it was a little difficult to get hold of them anywhere near the Easter weekend, so just almost prior to coming up here, we really finished gathering some information which we think will be helpful to you and will help us answer your questions .

Our office is an independent office of the House and our funding comes directly from the consolidated revenue fund so as to, as it were, maintain that independence. There are 14 members of the permanent staff, whose positions are all approved by the Board of Internal Economy, which is, as you know, an all-party committee. That gives you a little background about our office and staff that I have here.

Mr. Sterling: Do you present an annual report to the Legislature? How does the accountability function?

Mr. Bailie: The accountability takes this form. The chief election officer is required to report the conduct of the election, and it is my intention to report to the Legislature on an annual basis. It is just that since I took over as chief election officer we have had a very close time between the two elections. We have made one report to the Legislature, and it is my intention to report to the Legislature on an annual basis, provided there is something of substance to report. It may occasionally be every two years.

Mr. Sterling: In terms of policy changes dealing with the election, if you feel that because you are the people with the experience--I mean, this is an experience of a member who has a problem--what happens to a suggestion that you have that something has got to be changed in terms of the procedure that goes on?

Mr. Bailie: What I hope is going to happen is that we are already preparing some changes that we want to recommend as a result of what we call our post-election meetings. We have all the returning officers in for

post-mortem meetings and we get their ideas about changes in the law as well as procedure. Our senior staff's observations on the conduct of the election are such that we amalgamate that, and we are hoping that it is going to be an opportunity for an ad hoc committee--Barbara Sullivan is familiar with this term--such as there was when we made our recommendations from the Commission on Election Finances, for changes. My report will raise issues that I feel need to be looked into. In other words, I do not see my report as coming out with specific recommendations for the wording of the law, but I will bring to the attention of the House matters that I think will require its attention and be prepared also to suggest solutions if I am asked.

Mr. Sterling: I for one on this committee would be interested in looking at that kind of report, and perhaps our committee at a later date, when another report is tabled or brought forward, could look at it in a sort of nonpartisan political manner, and maybe we would want to consider reporting on your recommendations or the issues you have put forward. I think if you are an officer of the Legislature, then there should be some input from a committee of the Legislature on what you say as well, and maybe we would see you again at that particular time.

Anyway, those were just preliminary. I just wanted to sort of position where you were. You mentioned in terms of Mr. Polsinelli's problem, if there is a solution that we can come up with, how do we actually get that into place? I think that if we take an active role in dealing with that, we can get some of these problems resolved.

1550

Mr. Breaugh: I have a couple of things I want to raise with you. I appreciate that this is short notice and perhaps it would be better to go into this in a little more depth on another day. But there are a number of problems that have emerged for which we do not seem to have suitable solutions.

In Mr. Polsinelli's case, for example, and in some other instances that I can think of in recent history, sending this off to court does not resolve the problem. The problem is that during the election period, a difficulty occurs, whether it is somebody pretending to be a candidate for a party and he really is not or whether it is use of party colours, logos or whatever. To say that you go to court to resolve that means you will not get a resolution until the election is completed. By then the damage is done, and I suppose the best you can do is to say the election was not valid and we will do it all over again, which is not much of a solution either.

I have a little bit of difficulty in nailing you or anybody else with total responsibility. I think there is a need for some sensitivity. To set up the chief election officer with a great many wide-ranging powers which probably would exclude someone from standing for public office or in some way have an impact which says this one person makes the decision during the course of an election period that says you can or cannot use this colour is getting into territory which causes me a little angst. I am concerned as to how you would do that, but I do admit to the need for an immediate answer. It is not good enough to put it through a court process which may well take six months or a year before you get a decision. That is one range of the problems that I frankly would encourage you to explore.

The second one is, for example, this time around in the riding of Etobicoke-Lakeshore there was a problem around election day and whether polls opened or did not, who was in charge and who was not, who was responsible and

who was not. We do not seem to have a mechanism to address that problem. We did address it, in a sense, but I think we uncovered, at the same time, that it is not quite clear who is responsible here, who answers to whom and what you do when an incident like that occurs.

I guess it is most likely because we have not had a great many of them, but we have had some. That one seemed more serious than others, to the point where polls were not open and adjustments had to be made. As one who heard the ins and the outs from our party's point of view, a great deal of panic did set in during the course of that day. I think that is a range of problems that have to be done.

I would like to put on your plate too a couple of other things. Between elections, there is no apparatus at a local level having to do with an interesting, practical problem. The last time around, we wanted to find out what the poll boundaries would be in the forthcoming election. We knew who the returning officer was for the riding of Oshawa, but we did not know where he was. Although the person appointed had been an Oshawa resident for a long time and ran a business there for a long while, I understood that during that particular period he was working in Toronto somewhere, but we could not find him, which posed a few problems.

I think in general we need some kind of a report which addresses this kind of problem. I am sure you are aware of most of this kind of stuff, because I think sooner or later somebody writes you a letter.

Mr. Bailie: Right.

Mr. Breaugh: What is missing from the piece here is, what do you do with that letter? How do you report to the Legislature? How do we make changes to the act, for example? How do we deal with the balancing, to go back to my original problem, of an individual's right in a free democracy to stand for public office any way he wants with the obvious rights that other individuals have to go through a nominating process, for example, and to win the official nomination for the Liberal Party? I do not know why anybody would want to do that, but it seems quite popular these days. Does that mean anything, and what does it mean?

I think I have a reasonable working knowledge that it means that you will stand for that party and represent it. Within that, if the party uses colours or a logo or something of that nature, that is almost like the Coca-Cola trademark. That belongs to that political party and no one else can use it.

Maybe it means we have to register this kind of stuff with the commission or do something of that nature, but I do think we have to look at that because there is a problem at the other end of the public having, I think, a reasonable right to expect that it will not be confused by those who are standing for public office, at least to the extent that there should not be more than one Liberal running in any given riding most of the time, or you should be able to identify which party a candidate is affiliated with.

I think there is a range of problems there that we have. I do not know that we have encountered a whole lot of difficulty with them, but they keep coming back and we do not seem to have a mechanism to resolve them. I would encourage you to do an annual report of some kind and let us turn our minds as to precisely how that would be handled by the Legislature. We have run into

difficulty before on matters having to do, for example, with the Election Finances Act.

For a long time, the commission reported simple things: word changes and small amendments that would clarify the intent of the act. The previous government was actually quite afraid to introduce the act itself for amendment on the fear that opposition parties, particularly in a minority, would amend it in a way they did not mean. Maybe now would be a good time to see if we can establish a device which would provide for annual reviews of things like election finances or the Election Act itself without threatening anyone.

We have discussed recently one of the things might be to have someone like you table an annual report, refer that to this committee, where we go through the mechanics of it, and the committee would table a bill in some way so that you would not get yourself caught in that dilemma of partisan politics entering into the picture. I am not sure that all of this is going to work out, but I do appreciate that there are a range of problems there that do have to be resolved.

I can certainly say, for example, our member for Etobicoke-Lakeshore (Mrs. Grier) is not real happy with the process as it has evolved over what happened during her election in that one riding.

Although we are not overwhelmed with complaints about the process, it does bother me some that after each election there always seems to be three or four fairly substantial complaints about what happened during the process and a number of others that are much smaller in nature. We have not been able to find a process that addresses those things, so I would encourage the annual report idea and I would like to have you back here perhaps in a few weeks to go through this in more detail.

Mr. Bailie: Yes.

Mrs. Sullivan: Speaking really more to the specific matter Mr. Polsinelli has raised, I am interested that Mr. Bailie was asked to join us because indeed the commission, through the Election Finances Act, really seems to come closer to having responsibility or to have taken a step in terms of coming to terms with the names of political parties. Under that legislation, the commission has the right to reserve names and not to allow names or sobriquets which may cause confusion to be registered as the name of a newly forming political party.

I think it is fair to say political parties themselves have not registered their names or symbols. I wonder if Mr. Bailie might want to comment on information that he might have as to why that has occurred. Certainly, in my days as communications director in a political party, it seemed to me that our symbols changed virtually with each election and were pretty much chosen just before the election and, as a consequence, the nature of the continuing use was not something that we were paying a lot of attention to.

One of the things that really quite concerns me about the example that Mr. Polsinelli has brought forward is that we have had a strong tradition of independent Liberals, independent Conservatives, people putting themselves forward as labour candidates and independent socialists. We had a member who chose to become part of our caucus, who was elected as the Liberal-Labour member for many years.

Any proposals which might come forward, whether under the Election Finances Act or under the Election Act, which I would like Mr. Bailie to comment on, should certainly not interfere with the individual who is seeking election as an independent. Even if he may not be able to call himself an independent something or other on the ballot, the way he expresses and describes himself to the public is something that tells the public really where he is placed in the political spectrum.

1600

In terms of further policy proposals, I believe there was a major change in the approach taken under the recent changes to the Election Finances Act, and I would like to see that kind of scope introduced to changes under the Election Act as well, where an all-party committee, whether an ad hoc committee or something more formal such as this committee, would sit down and review on a clause-by-clause basis proposals which come forward which are policy proposals and not simply amendments that reflect more picayune matters.

I would like to hear Mr. Bailie comment, though, on where the responsibility for change would lie, whether he sees that really under the Election Act or the Election Finances Act.

Mr. Chairman: Respond to this, and then Mr. Johnson has some questions.

Mr. Bailie: I have looked at the matter and, in my opinion, I do believe that, as Mrs. Sullivan has mentioned, because the commission has a section which deals with party affiliations not being allowed to use the word "independent"--in other words, if you register a political party, you are not allowed to use the word "independent" in the name of any registered political party--at the same time, it seems to me that some carefully worded sections could be added to the Election Finances Act that would govern advertising, because several sections of that act do govern advertising, whereas there is no restriction on advertising in the Election Act.

I am a member of the commission, as I mentioned, so I am not just trying to parcel this off to someone else; I would still be dealing with it. But I think the important point is that it would be an all-party representation on a committee or a commission that would deal with it. I think it gets to the point raised by Mr. Breaugh that to add sections into the Election Act giving one person, the chief election officer, considerable power to decide whether a person could use this colour in his signs or brochures or things of that nature might be of concern to people. But a carefully worded section could be added to the Election Finances Act, because they are already into the responsibility of registering party names; all the candidates must register with the commission.

I talked to the chief election officer from Prince Edward Island and he pointed out that because their jurisdiction for both finances and elections comes under one person, when the candidate registers it is made very clear what names he can use in his campaign. He assures me that the returning officer in each case would discuss with an independent that he must be careful not to use any name in his advertising or his signs that would confuse him with a candidate of a registered party.

It is not as easy to enforce that law as it is to draft some wording that would seem appropriate, but it certainly would seem to me to be the place to put it where it could be more easily understood, because they are dealing

with registration of names, registration of candidates and the authority to supervise certain forms of advertising at this point, whereas we have nothing to do with advertising in the Election Act.

Mrs. Sullivan: I have another question on that point. Is the PEI real legislation or is it a regulation under the Election Expenses Act or under the Election Act?

Mr. Bailie: It is under the Election Act. Actually, there does not appear to be any recourse written into the act. You see, when a person goes to be nominated, he must state whether he is a candidate of a registered political party, and if he is, his nomination paper must be signed by the leader of the party. Of course, in PEI that is a more manageable thing than it would be here in Ontario. So his paper is signed by a party and that makes him a candidate of that party.

Everyone who does not have the signature of the party leader must register as an independent, so it is right in the act. It is just that there appears to be no provision to police it if someone just ignored this or went out after registering as an independent and then called himself a Trudeau Liberal, if I can just use that term to get to the point.

The chief election officer assured me that he would get right after that person. He was not able to say, "Under section so-and-so we could do this, this or that," but he was quite sure that it would be followed up and that they would be able to arrange compliance with the orders of the chief election officer. There is no provision in the act to fine them or set the election aside.

Mr. J. M. Johnson: Mr. Bailie, I think it was in 1984, when Tom Wells was minister, that we revamped the present Election Act.

Mr. Bailie: Yes, Mr. Wells was government House leader when it was last revised.

Mr. J. M. Johnson: Yes, and it went through in one day. There were public hearings in the morning and the bill passed in the afternoon. It was a very speedy process. At that time there was no concern mentioned about some of these issues that came up today.

Mr. Bailie: That is true.

Mr. J. M. Johnson: Would it be feasible, since we are looking at maybe two or three years before an election, that we could possibly bring together some of the concerns that members have, maybe your group has, then discuss them and, if there is any merit to them, possibly request the government to consider reopening the legislation and making some amendments?

Mr. Bailie: Yes. Our staff is at the present time planning, in the month of April, on pulling together recommendations on areas that we feel need attention, so we would be prepared within a month to make submissions towards that.

Mr. J. M. Johnson: There is one concern that I have always had in an election: that if two candidates are running with the same name, it would create a real problem. The first name would quite likely be different, but many people are not that knowledgeable about the candidates. Is there any way of preventing that or of further identifying the candidates?

Mr. Bailie: Yes, there is a provision in the Election Act. As a matter of fact, it came up in the last election in Mr. Bradley's riding. Someone found someone with almost the same name, not quite the same. I discussed it with Mr. Bradley. What I am able to do under the act is this: If we had two people, say if somebody was running with a name like Jack Johnson and somebody else with the same last name and something very close, like--

Mr. Faubert: John Jackson.

Mr. Bailie: Yes, very close. The chief election officer has the authority then to discuss it with the candidates. If one Jack Johnson was a retailer and the other chap was a lawyer, we might decide that that would differentiate them and make it less confusing to the voters; or if they both happen to be lawyers, we might say that one comes from Arthur--

Mr. Faubert: A criminal lawyer.

Mr. Bailie: --and one comes from Listowel, and put the towns in. So the chief election officer can add to the ballot, in consultation with the two candidates, what he believes would correct the confusion to the extent he can, even to the point where we might actually add the political affiliation. We would certainly be reluctant to go that far without some direction from the Legislature.

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Mr. J. M. Johnson: Would that not be the logical thing to do, just add political affiliation?

Mr. Bailie: That is for the House to decide. This question has come up many times but there has never been a change in that section of the act.

Mr. Breaugh: You could just say, "Jack Johnson, Communist" and they would know; or you could say, "Red Jack."

Mr. Polsinelli: Thank you very much for attending and answering some of our questions. Mr. Bailie, I was wondering whether you are familiar with the provisions in the previous Election Act which, according to the judgement, contained a number of prohibitions against election practices which would confuse potential voters.

Mr. Bailie: I have had Mr. Stewart do a study of that and we noticed that mentioned in there. Mr. Stewart, would you mind just reading that?

Mr. Stewart: Yes. I did check the references by Mr. Justice Campbell in the judgement and the textbook you referred to in a 19th-century case and he suggested that there had been in the act a number of provisions against election practices which were calculated to mislead voters.

The provision he was referring to, or at least the textbook referred to, was a provision against "impeding, preventing or otherwise interfering with the free exercise of the franchise of any voter by any false or fraudulent pretence, device or contrivance."

That is not really a section aimed at candidates misleading voters. But what the court said is that if a candidate were hypothetically to go so far as to trick or deceive someone into voting for someone other than the person he really intended to vote for, that might be considered stretching it, you might say; an interference with the free exercise of the franchise.

I am quite confident in saying that if that section which was referred to was there, it would not have been any assistance to you under the facts as Mr. Justice Campbell found them because there would have had to be a definite intent to mislead. The candidate would have had to do what he did really for the purpose only of misleading and the judge seemed to feel that while there was some confusion caused, that was not his intent. His intent was to stand for philosophical tradition and make a philosophical argument.

Mr. Polsinelli: I can appreciate the judge's point of view on that.

Mr. Justice Campbell seems to indicate that, absent any legislative provision, any candidate in a provincial election can effectively from this day forward call himself anything he wants. If I wanted to run against Mr. Breaugh as a New Democratic Party candidate, I could do that. I could file the nomination papers--

Mr. Breaugh: I doubt it.

Mr. Polsinelli: --use the orange colours, put NDP after my name and there would be nothing to prevent me from doing that. Is he correct in that?

Mr. Bailie: Under the Election Act, that is true. You have to appreciate that the Election Act as it has been passed by the Legislature does not recognize political parties at all. It mentions political interest only in trying to be careful in the selection of the two enumerators or the two poll officials that they be of "a different political interest," but political parties are not even mentioned in the Election Act as such. As a result, it is true, just as you said; that a person could do that.

Mr. Polsinelli: Unfortunately, I have not done very much research as to the what the contents of the Election Act are. Are there any prohibitions in the Election Act with respect to corrupt practices? Could a candidate go out and buy votes? What things are prohibited for candidates during the election process?

Mr. Bailie: There are very few provisions, as Mr. Justice Campbell mentioned there. In 1968-69, when the act previous to this latest one changed, they took out several of the items that were called "corrupt practices" because they felt that in 1969 the type of thing those sections were intended to guard against just was not likely to happen. So, in the Election Act, there are sections that ensure that the proper operation of the election shall take place and, if anyone interferes with it, there are strict provisions. However, there are very few provisions to govern campaigning.

One of difficulties would be that a candidate who might be a member of the Conservative Party could say that he is philosophically liberal in how he views certain procedures or matters. By the same token, a member of the Liberal Party could, with great intent, say that he is conservatively fiscal in his look at budgets and so forth.

I do not know. To take those words that are generally used in campaigning and to register them, I think, would be difficult. Take even the name "New Democrat." They are all pretty well generic terms and it would be difficult.

Mr. Polsinelli: Essentially, I could run in Oshawa as a Liberal-Conservative-NDP candidate and offer \$1 to every person who would vote for me and that would be fine, as long as I did not exceed the election expenses rules.

Mr. Bailie: Yes.

Mr. Breaugh: The results would be the same. I would have no fears.

Mr. Polsinelli: You raised earlier, with Mr. Johnson, the issue of indicating the political designation or the political affiliation on the ballot. To your recollection, did the Legislature ever discuss or debate that?

Mr. Bailie: Miss Wells told me she had looked at the election laws committee of--what was the year?

Miss Wells: It was 1969-1970.

Mr. Bailie: That was an all-party select committee. The members studied it in depth at that time and they came to the conclusion that they were not recommending it to the House. It has come up in discussions. I have a letter, say, from Joan Smith, where she has questioned why it is not in practice. After every election, we do get maybe one member who will question why it is not on the ballot.

Mr. Polsinelli: Are you familiar with the practice in other provinces?

Mr. Bailie: Yes. We have made a study of that. Miss Wells will be able to give you the details.

Miss Wells: I examined the legislation for all the provinces and also contacted the chief electoral officers. Ontario and Newfoundland are the only provinces which do not show political affiliation on the ballot. In the other jurisdictions, I asked the chief electoral officers what the procedure was for getting the political affiliation on the ballot, how they are endorsed by the leader of the party, etc.

I posed to them the case that we are discussing today and I said, "If that arose in your jurisdiction, would they have recourse under the Election Act?" The answer was no. Even though it is on the ballot, the name, under the Election Act in the various provinces, is protected only for election documents--for example, the ballot or the notice of poll or something like that--but not as far as logos or colours used on election signs.

Mr. Polsinelli: I can see one simple solution, which would be just putting the political affiliation on the ballots and declaring those individuals running as candidates who are not affiliated with a particular party as independents. That would simplify the process immensely, I think, at the doors when you are actually canvassing or campaigning.

Miss Wells: In some of the jurisdictions, you can have independence even though you are not running with the registered party or the recognized party; you can still use Independent PC and Independent Liberal.

Mr. Polsinelli: No, but I am saying if, in Ontario, we had legislation which permitted the chief election officer to indicate the political affiliation on the ballot, then one of the decisions that could be made is that if you are a nominated candidate in a registered political party, then that designation would be shown. If you do not fall within that category, then you would simply be listed as an independent candidate and it would be your responsibility to convey your political philosophy to the voters or to the electors.

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Mr. Bailie: True and that would control the ballot. You are right. The ballot would say, "Polsinelli, Liberal Party." This other person would have to be listed as an independent. You would then have to deal with the matter of his signs and his brochures.

Mr. Polsinelli: That would not be as much of a problem, because when you knocked on the voter's door, you would say, "If you want to be sure who the Liberal candidate is when you go to vote, look for the political designation."

Mr. Bailie: If, in your opinion, that would have solved this situation, then I agree. That would be the simplest solution.

Mr. Polsinelli: I do not know necessarily whether that would have solved the situation, but it would have given me some response. Not everyone is as sophisticated as elected members are with respect to the political process, the nomination process, how one ends up becoming the candidate for a political party. It is sometimes very difficult explaining that at the door.

Miss Wells: This did arise. For two years I was the registrar of political parties for the chief electoral officer of Canada. I worked in Ottawa. This actually arose with the Green Party. Some of you may be familiar with the name John Turmel. He was professing to be a Greenback candidate of the Green Party with this fiscal monetary policy. The leader of the Green Party wrote to Mr. Hamel and asked that he do something about this candidate running around professing to be a Green candidate when he was not authorized by the party. Even though it is in the federal legislation, there was no backup. It was just for the protection on election documents. The legal advice to the leader of the Green Party was that any logo or symbol, etc., should be copyrighted or trademarked. The candidate should proceed through the party legal advice.

Mr. Polsinelli: My major problem with this is I agree with Mr. Breaugh's concerns that you do not want to trample on the democratic process. You do not want to create a situation where you are creating restrictions on a candidate advocating or espousing his own political philosophy. Saying that you are a Liberal or a Conservative or a socialist does in a certain sense convey a whole series of messages by using one or two terms. It would be dangerous if we as a committee or as a Legislature started saying we have absolute control of those terms and no one else can use them.

By the same token, we all went through a rigorous process, some more so than others, to obtain the nomination for the parties we chose to represent and I think that merits some protection. One easy way, I think, to protect that would be just to show the political designation or the political affiliation on the ballot.

Mr. McClelland: Thank you for your attendance. I was just having a very brief discussion with the member for Scarborough Centre (Miss Nicholas). She had to leave to attend elsewhere, but she raised an interesting point that I will try and flesh out to the extent I can and try on her behalf to bring a concern forth. It may be addressed in some of your general discussions and so on. I see the relationship to this issue.

Learned Justice Campbell felt it inappropriate to intervene with the use of terminology and colours and signs. On the other hand, in the riding of

Scarborough Centre on election day, anybody wearing red, whether it be a red tie or red sweater, or carrying a red file folder for that matter, was prohibited from being in or around the voting place.

I see that as sort of two extremes. I see Mr. Polsinelli's situation, where there was no protection afforded; yet on the other hand, the situation in Scarborough Centre. I see that as a point of consideration. I think it is illustrative of the fact that there needs to be a turning of our minds or the minds of some individuals, in any event, to some guidelines, and have a situation where you go through an option period with Mr. Polsinelli, contending with a name and usage which, with no disrespect meant to the opinion rendered by Justice Campbell, seems to me, on the face of it anyway, to be an apparent attempt to tailgate or coat-tail or mislead. On the other hand, we get the situation I just described with Scarborough Centre.

There needs to be a balance there, it seems to me. I do not know that we can etch it in stone. I raise that at the member's request that it be given consideration. There needs to be some balance there.

I think you see the dichotomy. I see it very clearly as being two extremes, two absurd examples. One caused considerable inconvenience for people. Another one did cause inconvenience but was not prohibitive.

Mr. Bailie: This is our concern. When we studied it, we thought if we were to put legislation on the books, then it would be up to the clerks to interpret it, and if the clerks were to interpret it too narrowly, people might be prohibited from wearing red ties.

Mr. McClellan: Which they were in any event.

Mr. Bailie: Yes. You raised the concern that we would have, but it still does not mean that we cannot address this issue. Mr. Polsinelli has mentioned that we could give consideration to putting political affiliation on the ballot and I think that would go a long way towards correcting any confusion. That is a decision, of course, that the Legislature would have to make. That is a fairly clear possibility that the Legislature might want to consider. We certainly will look at others. Perhaps we can come up with a suggested wording that could be added to the Election Finances Act on the registration of candidates, party names and so forth. Because the commission does have authority over advertising, it could be extended to the use of advertising that could be judged as confusing. It would at least give us something, if a candidate, I have forgotten this candidate's name, that could be pointed out--

Mr. Polsinelli: So have I.

Mr. Bailie: His name shall be forgotten. It could be pointed out to them that they are running the risk of being charged under the Election Finances Act.

Mr. McClelland: I suppose we could also dictate that anybody voting or working for candidates would wear beige on election day.

Miss Wells: Just to tell a little story, about a quarter to eight on election night I received a telephone call from a staff sergeant with the Metro police. He was trying to get in touch with a returning officer in the west end of Toronto. I said, "What seems to be the problem?" He said, "You have a very official district returning officer in one of your polls." The

lady was in the poll with a particular coloured T-shirt and he asked her to take it off and she was stark naked underneath. She was somewhat inebriated. Anyway, the poll had to be closed and held over. The DRO had taken it upon herself.

Mr. Bailie: We will definitely have some suggestions now that we have some sense of how the members feel.

Mr. McClelland: It is clearly a delicate balancing act, as anyone can attest in facing these matters, but I think there are some considerations.

Mr. Breaugh: Just for what it is worth, two of the parties have said this. I think we should put on the record that the New Democrats have believed for a long time that anything that you can do which will identify the candidates better is desirable. I have never understood why identification of the party is prohibited. It seems to me to be so stupid. Even on election day, I do not understand why it is such a terrible thing to have someone identified as a worker for the NDP or the Liberals or the Tories when we all know that they are out there and we all know who they are and nobody is even interested in denying their right to go and work an election on election day. Why do they all have to be covert operations?

I believe that they do not have to work under cover that day. It would be quite acceptable for them, within reason, to be identified in the polling station as the worker for Mike Breaugh, NDP candidate in the riding of Oshawa, because that is precisely what they do. I do not see why it would kill the world if they were identified by means of an orange T-shirt, a black tie or whatever they want to wear. All three parties may have come around on this.

Mr. Faubert: I am a believer, perhaps with Mr. Bailie, that we do not solve everything by legislation. Perhaps some of the responsibility for this lies with the parties. I cannot understand why a party cannot register or copywrite its colours, combination of colours, designs or logos. That is a simple matter to do. From then on everything else flows from that.

I agree with Mr. Polsinelli, though. I think the party should be identified on the ballot. When the federal government moved for that, it put forward all the reasons for it and there was no reason not to do it, as a matter of fact. I think that is one of the things that should be done and I am surprised in Ontario it has not.

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The second point I would like to address to Mr. Bailie and ask him to respond is, why does the Election Act not address party as such when it is a fact of political life? The act somehow has not been brought up to date to recognize that reality of today's political life.

Mr. Bailie: I am happy to have Mr. Faubert's comments on the matter of being able to police the legislation. I think you are right there.

On the second item, perhaps we will be able to get something concrete done towards putting political affiliation on ballots.

As to why it is not, I have been at the election office for 14 years now and the Election Act has been revised only once in that time. It just never came up during the discussions with the House leader on the changes to the Election Act. Why it was never in before that time, I do not know. It is just

something that has developed, and I guess because of the fact that Ontario took the approach of having separate offices for the commission and for the subsidies and financing of political parties, it was not as likely to come up in the last revision of the Election Act. That is the only thing I could offer, because I am not a legislator.

I can make available to you the discussions Miss Wells alluded to, at the time the election laws committee studied this. We have only one member of that committee left, I think, in the House. Bernie Newman was a member of the election laws committee. They discussed this matter and decided that it was not something they were going to recommend changing. Exactly why they took these positions, of course, the minutes do not always tell you, but it just was not done at that time, the last time it was discussed.

Mr. Faubert: Do you not see future confusion, now that there is a proliferation of parties, including everything from the Freedom Party of Ontario to the Family Coalition Party to the Green Party? The definition of "party" should be clearly spelled out.

Mr. Bailie: I think you have touched on the main reason this needs to be addressed now. At that time there were generally three parties and now there are generally quite a few more.

Mrs. Sullivan: I just want to freshen my memories relating to the 1981 election when Mr. Gillespie and Mr. Correiro faced off, both using identical signs and symbols, with only one of them being the official candidate of the Liberal Party at that time. In that situation, there is certainly some learned belief that Mr. Gillespie lost that election as the result of the intervention of this independent candidate.

I notice that Mr. Justice Campbell has referred to Mr. Justice Hughes's decision in 1981, where indeed there was an injunction granted, but unfortunately, it was approximately two days before the election, as I recall, so it was really too late to alter what had become a major communications misunderstanding in the riding. That particular situation did not occur in Mr. Polsinelli's case, but it could have.

It seems to me that whether we are looking at changes in the Election Act or whatever, the political parties themselves have to bear some responsibility for not registering their marks.

Do you recall the circumstances of that case, and do you have a copy or comments on that decision in relationship to the Correiro-Gillespie case?

Mr. Bailie: Yes, I do recall the case and you are right, if I may be permitted to say so; it is a better example of the problem than this case before us. I did do a very careful review of the balloting, and if you were to take the ballots for Mr. Gillespie, the ballots for Correiro and the rejected ballots, which were nearly three times the number we would ordinarily expect in an electoral district--because a lot of people, being confused, actually voted for the two Liberal candidates, just to make sure, shall we say--if you were to add them all together, the number did amount to a few more than the winning candidate received. So I think a case could be made that perhaps the confusion did result in someone being elected other than the true will of the people, the person they had in mind. It is not for me to say that, but someone could make a case there.

On the Correiro case, he was charged with fraud because he actually used

the services of the Liberal Party to produce his signs and his literature, because he was an insider and knew the system. It was possible to charge him with fraud because he never had paid for the signs as well.

Even at that time, I rather expected that there would be certainly a move to having the names of the political parties placed on the ballot. It was discussed at that time, but nothing actually developed. I must say I was surprised that it did not.

Mr. Polsinelli: Both candidates lost?

Mr. Bailie: In effect, yes, and Mr. Gillespie had run in the previous election and come very close.

Mr. Chairman: Any further questions by members of the committee? If not, what is your wish? Should Mr. Bailie come back in a few weeks?

Mr. Polsinelli: I think it may be appropriate, and I have brought this matter to the attention of the committee to see essentially what we want to do with it. I would be prepared at this point to recommend to the Legislature that the political affiliation be placed on the ballot. However, maybe a more prudent course of action would be for Mr. Bailie to prepare and submit his report to the House, and at that point perhaps we can revisit this issue and the recommendations Mr. Bailie would be prepared to make to the Legislature.

Mr. Chairman: It may be appropriate, once that report is submitted to the House, to have it referred to this committee for study.

Mr. Polsinelli: To request that it be referred here.

Mr. Chairman: Then it would be clearly under our jurisdiction as a measure the House asked us to take a look at it.

Mr. Polsinelli: That would be my preferred course of action at this point. The committee has visited the issue today and we can revisit it when Mr. Bailie submits his report. It also gives us some time to further contemplate the issues and maybe come up with some innovative ideas as to how we can make the whole election process more democratic.

Mr. Chairman: Mr. Bailie, can you give us any indication when that report might be tabled with the House?

Mr. Bailie: It is my intention to deal with it in the month of April and have it ready the first week of May.

Mr. Chairman: In about a month's time we should have it?

Mr. Bailie: Yes.

Mr. Chairman: That would be appropriate, and we welcome that, Mr. Bailie. Thank you very much for coming before the committee. Does anybody else have any questions? If not, we thank you and your colleagues for coming before this committee. We look forward to seeing you again somewhere down the line.

Mr. Bailie: It is our pleasure. I brought with me a sufficient number of copies of the Election Act to be distributed to the committee. Having brought them, I will leave them. You may have some thoughts that you want to check on. There are the copies of the Election Act.

Mr. Chairman: Thank you very much.

1640

MEMBERS' SERVICES

Mr. Chairman: The next item on the agenda is a motion with respect to mail service. Members will recall that a week ago we discussed this matter. Since that time, a motion has been worked on, has been somewhat refined, I might say, and is before us. Mr. Faubert, do you want to speak to that?

Mr. Faubert: Yes. I think this motion puts in place support for the Ministry of Government Services to attend upon the Canada Post Corp. but gives it support from the committee basis, more direction related to the centralization, the whole M7A process. I think we have clearly identified that as one of the main problems.

Mr. Chairman: Mr. Faubert moves that the standing committee on the Legislative Assembly express its support to the Ministry of Government Services in its efforts to improve the delivery of mail to members of the Legislative Assembly and to the government of Ontario, and recommends that discussions between the Ministry of Government Services and Canada Post Corp. be resumed on an urgent basis to bring about a decentralization of the M7A postal code process, which has been identified as a major source of the increasing delays and costs in the delivery of mail to offices of the Legislative Assembly and the government of Ontario.

I understand that once this motion has been carried, as I assume it will be, it will be the clerk's responsibility to communicate this to the Minister of Government Services (Mr. Patten).

Mr. J. M. Johnson: Have we voted on the motion?

Mr. Chairman: No, we have not.

All those in favour?

Opposed?

Motion agreed to.

Mr. J. M. Johnson: I would just like to mention that this morning I received another letter that had Richard Johnston's name in the left-hand corner. It was addressed to one of his constituents. I assume it was a constituent. It was sent to my office.

They told us the other day that internal mail was not a problem. It is a problem. I suggest that we send a copy of this resolution to Canada Post, to whatever federal ministers are responsible and also to Government Services and the postal people in Toronto. I also think we should highlight to the internal postal service, Government Services, that it is not satisfactory. It is one thing to clean up Canada Post, but they sure as hell have to clean up the mess themselves. It is practically a daily occurrence that I am receiving the wrong mail. It was not even addressed to Richard Johnston. It just had his name in the corner. I do not think the people can read English.

Mr. Chairman: Do you have a copy of that?

Mr. J. M. Johnson: I gave it to Richard.

Mr. Chairman: You have given it to Richard.

Mr. J. M. Johnson: He thanked me for delivering his mail once more.

Mr. Chairman: You are not getting an extra per diem rate for that or anything of that nature?

Mr. J. M. Johnson: Not yet.

Mr. Chairman: I appreciate the point you are making. We will have a copy of the transcript of your remarks today sent to the Deputy Minister of Government Services. Any further comments on that? If not, that deals with that item. Is there any other business? If not, we will go in camera.

Before we go in camera to deal with item 3, I just want to draw to your attention a few matters. First of all, the clerk was trying to get a tour of the building for this committee after the meeting today. That will not be possible, but what we will try to do is get it next week. I am particularly thinking in terms of the fifth floor because of the restoration that we spoke about a few times. Committee members have expressed an interest in seeing some of the hinterland, so to speak, of this building, some of the more spooky areas. Maybe we can do that next week if Mr. Stelling, the Sergeant at Arms, is available at that time to take us on a tour.

Mrs. Sullivan: Could you let us know so that we can plan our schedules accordingly?

Mr. Chairman: Yes. That would be in conjunction with the meeting next week, so it would be right after the conclusion of the formal part of the meeting, I would think, if it does take place. Is that not correct? The clerk indicates that is correct.

In addition to that, I just want to mention that under standing order 32(d), next week we will be tabling in the House a report on the service of process in the precincts. As you know, a few weeks ago we discussed the service of warrants and so forth in the precincts of the House. That will be tabled in the House, probably next week. I am wondering whether we want a response by the government within 120 days of tabling that report. That is a common occurrence, but we need your concurrence to ask for the government to respond to that. It might be helpful to this committee to get the government to respond to that.

Mr. Polsinelli: I recall that is part of the standing orders. I do not recollect that we have to specifically request it. We do?

Mr. Chairman: I am told by the clerk of the committee, and that is why I raised it, that we have to specifically ask the government to respond to a report. With the concurrence of the committee, I would so do next week.

Mr. Chairman: A further item is that the British consul general has contacted the Office of the Clerk with respect to the standing committee of the Legislative Assembly meeting with a select committee from the British House of Commons. That is next week here.

Clerk of the Committee: April 27.

Mr. Chairman: Oh, pardon me, April 27. That is in three weeks. Not next week, but three weeks. You might keep that in mind. We do not know the exact time, and we may also have lunch with them at that time, so members may want to keep that in mind.

Those are the only two items I have at this time. If you have no further items, we will adjourn and go in camera.

Mrs. Sullivan: Does that committee of the British Parliament want any specific information? I presume one of the things they will want to discuss is televising of the House.

Mr. Chairman: It is on privacy and information and so forth.

Mrs. Sullivan: I see.

Mr. Chairman: They may want to discuss that because they are going to be starting their televised sessions very shortly, I guess. We will learn more about this. We may also have luncheon hosted that day by the Ombudsman. We do not have all the information at this point, but we will let you know as soon as we have it.

If there are no further points, we will go in camera.

The committee continued in camera at 4:49 p.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

COMMITTEE BRIEFING
ORGANIZATION

WEDNESDAY, APRIL 13, 1988

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)

Breaugh, Michael J. (Oshawa NDP)

Cordiano, Joseph (Lawrence L)

Faubert, Frank (Scarborough-Ellesmere L)

Johnson, Jack (Wellington PC)

McClelland, Carman (Brampton North L)

Polsinelli, Claudio (Yorkview L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

Swart, Mel (Welland-Thorold NDP)

Substitutions:

LeBourdais, Linda (Etobicoke West L) for Mr. Cordiano

Nicholas, Cindy (Scarborough Centre L) for Mr. Morin

Clerk: Forsyth, Smirle

Staff:

Eichmanis, John, Research Officer, Legislative Research Service

Madisso, Merike, Research Officer, Legislative Research Service

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, April 13, 1988

The committee met at 3:43 p.m. in room 228.

COMMITTEE BRIEFING

Mr. Chairman: The first item on the agenda today is the briefing by Merike Madisso, the research officer to the committee. You know, of course, that we are responsible for the privacy of information legislation and she is here to bring us up to scratch on what is happening.

We are also pleased to see Mr. Eichmanis in the audience, together with an assistant in his office. Both of them work with the commissioner. Valerie Sharp is the commissioner's assistant and they work with Mr. Linden.

We are going to be dealing with the budget a little later on and then we are going to have a tour. In regard to the budget, I also have a request here that we can deal with. Most of the budget items will be dealt with in camera because all the information is not together, so we need some more direction from the clerk on that particular matter to get the information together, but we have some other aspects I want to deal with after we hear from Merike.

Do you want to go ahead? Make it as compact as possible.

Ms. Madisso: Right, I will. I will do this very briefly. You have before you a three-page memo from me on a particular issue and that is what responsibilities the committee now has under the Freedom of Information and Protection of Privacy Act. Specifically, we are looking at sections 67 and 68, which are appendix A to the paper.

I will go through it quickly with you. You have two responsibilities under the act: section 67, which sets up a review by this committee of other Ontario legislation; and section 68, which sets up a review of the freedom of information act by this committee.

We will look at section 67 first. The committee is to make recommendations under subsection 67(1) regarding:

"(a) the repeal of unnecessary or inconsistent provisions;" in other words, in other legislation, "and (b) the amendment of provisions that are inconsistent with this act," the freedom of information act. So you are looking at other legislation and how it relates to this act.

Next, I have set out some of the problems for members of the committee so you are aware of some of the issues the section raises, and I set out a number of options for you in terms of dealing with them.

As you see in section 67, the phrase "confidentiality provisions" is used, but there is no definition provided. In order to assist you, I went to the Commission on Freedom of Information and Individual Privacy, which is an Ontario commission, constituted in 1977; it reported two or three years after that.

One of their research works, publication 11, a preliminary kind of piece of work on this, set up a definition--you will see those are the bullet point items on the top of page 2--and concluded that there are at least 100 pieces of legislation--this was in 1979--which have such confidentiality provisions that fit those five bullet point definitions.

Mr. Sterling: Could I just make a comment here? I cannot remember the source from which I got this information, but I understood that Management Board had done a recent list of statutes.

Ms. Madisson: I spoke to Mr. McCann at Management Board and he said they are going to the individual ministries and asking them to compile their own list within their jurisdiction. He did not mention that Management Board had independently done another list.

Mr. Sterling: I do not know what method they were going to use.

Ms. Madisso: I see. I think they are asking the ministries to put it together, but I do not believe such a list is compiled yet.

That is the first problem: What will you take to be the definition of "confidentiality provisions"? The second problem relates to clause 67(1)(a), which is the review that talks about "unnecessary or inconsistent provisions."

The difficulty here is that it is not clear what "unnecessary" means. It apparently means that the confidentiality provisions in these 100 or so statutes will be looked at from a policy perspective; whether these provisions, given their legislative context, are necessary or unnecessary.

To make such an assessment, it seems that you would have to look at the whole act; in other words, the act external to the freedom of information act. You would have to look at that whole act, look at its regulations and look at any policy reasons behind it.

Again, we would be talking something in the order of, I am guessing, 100 statutes. That is what the commission guessed. I also went to the index of the statutes of Ontario and looked up their confidentiality listing; they had about 100 statutes listed, too. I have appended a list of those at the back for you. That is appendix B.

Question 3, just in terms of procedure and so on, is: How do you want to conduct the second part of the section 67 part of the review, which is provisions inconsistent with the act?

I have done a bit of thinking and a bit of phoning and I have set out some options for you in terms of what other people have done or what you might want to consider. They are not exhaustive in any way. To get a clearer understanding of just what this section says, you might wish to meet with the minister and the information commissioner himself, perhaps with members of the federal standing committee on justice and the Solicitor General, who did a review of their federal legislation.

1550

Second, you might ask the ministries to provide this list, which I believe they are compiling, of confidentiality provisions under their jurisdiction. You would have to first establish what your definition of "confidentiality provisions" is. I believe the ministries are using the same one as the 1977 commission used.

Also, I understand the ministries are looking at acts they plan to exempt from the purview of the Freedom of Information and Protection of Privacy Act. You might wish to get a list, if they are compiling such a list. If they have one already compiled, you might wish to ask for that.

Third, I phoned Ottawa to find out how they handled their review. Unfortunately, their legislation is somewhat different from ours, but the question of this review of policy considerations for these 100 pieces of legislation did come up and the federal standing committee rejected it. Under their legislation, they had been looking at only 38 statutes, but as you see at the top of page 3, where I quote their comments from their report, they concluded, in their words:

"It is beyond our authority to offer suggestions as to the policy merits of a particular section of another act. For example, we cannot assess whether there is an appropriate policy for information contained in applications for wiretap authorizations to be protected under s. 178.14 of the Criminal Code to the extent and in the manner it is so protected."

In fact, they decided not to deal with that type of assessment. That is another option for the committee.

I was also informed, although I do not include it in there, that they rejected that kind of analysis because the nature of the workload would be enormous, if you consider what is contemplated by that provision.

Fourth, the committee could decide to do a review based on a limited number of statutes and make a selection of some kind from a list. Once the list is put together, you could decide which ones you want to look at.

Fifth, you could simply focus on the acts that the ministry is trying to exempt from the legislation and assess whether or not they are validly exempted and make recommendations with regard to them.

That is the first study in relation to legislation outside this act. The second one is a review of the act itself. It falls under section 68. You have three years from the date of proclamation to do it. You must undertake the review and, within one year of beginning the review, you must make recommendations regarding amendments.

As far as Ottawa, which has done such a review, is concerned, it lasted approximately two years, although it was not a full-time review. They sent out questionnaires, together with letters requesting submissions, to a number of groups: government institutions, nongovernmental organizations and individuals. The committee received 80 briefs, conducted hearings during a two-month period and produced a report. They hired outside consultants, both of them university professors, for the purpose of that review. It lasted about two years. The kinds of issues they looked at were exemptions, cabinet confidences, the courts, fees, forms and delays in the process.

Mr. Sterling: It is not a pretty picture. Was it two years or three years?

Ms. Madisso: Three years from the date it started.

Mr. Sterling: January 1.

Miss Nicholas: January 1, 1988?

Ms. Madisso: Yes.

Mr. Breaugh: There are a couple of things I think we need to get started on. We are beginning to see some silliness around this act, silliness which is causing some people a lot of difficulty. What I mean by "silliness" is basically information that we are traditionally used to getting about rent review, about constituency case work, information which was readily, publicly available, and has been ever since I have been a member, is now suddenly affected by this act and not available to people in my office.

We are having to get people to sign release forms. The problem is that in the course of some constituency work this would not be a major hassle, but for somebody who is awaiting a cheque from local social services and does not have any food for the children, and who used to be able to call my office and we could call social services and straighten that out, we are now being told by social services people that we need a written confirmation that we are representing a constituent.

These people are not used to handling forms like this. They do not have the time to get down to my office and sign a statement; we do not have time to take that over to the Ministry of Community and Social Services. A simple problem that used to be rectified in 20 minutes of telephone calls is now taking two or three days. Some people in my caucus who live in more rural areas are having an even greater problem.

It seems to me that what is happening here is that some people who are unsure of what the act means and what their responsibilities are, are being kind of super cautious. I am going to suggest a couple of things I think we should do.

I believe we should invite the commissioner and the minister to attend a committee meeting in the next little while, because I do not believe when we went through this act that it was anybody's intention to shut down information. It was to make a more orderly information process available. Yesterday, the Oshawa Times had a front-page story of the Kitchener-Waterloo Record being told by the commission that the location of the Toyota plant in Cambridge is top secret and they cannot release that.

That is another small example of silliness. That was not anyone's intention either. The intention was, and I remember the discussions on it, that the American acts had been used in a way that was not intended; that is, people were getting actual in-plant photos and information about technology by means of the freedom of information act down there. I think there is a little unevenness being applied here, and some silliness, which is unfortunately causing some hardship. The most direct way to deal with that is to invite the commissioner and the minister to attend a committee session where we will just have a general discussion about whether things are off the tracks.

It seems to me that no one in his right mind can be doing this on purpose. This has to be inadvertent. It has to be a mistake somewhere and we could probably rectify it quickly by handing him a list of incidents where we have run into problems with the act.

Also, I am at a bit of a loss to find in my own mind how I want to go about the overall review of legislation. It seems to me that, first, it is premature to start that now and, second, someone has to do a very methodical research process. I am reasonably sure that the commission itself will be doing a fair amount of this. I am not quite sure how we can handle a parallel

review in our case without getting all bogged down or going to outside consultants.

Is it possible to assign someone in the legislative research service to monitor that? In other words, do we have people on staff now who could keep an eye on this and who probably in the normal course of events would have a reasonable working knowledge of most of these acts? Could we at least get that request in to see whether that is feasible? I agree that it is not urgent; that review probably should not happen until the act has been in place for a while or at least until all of these internal decisions have been made.

However, I think I would like to be able to look at two assessments of whether it is working: one done by the commissioner and one done somewhat independently. I really do not like the idea of outside consultants. I would prefer it be done by someone on staff here. I am wondering about our capacity or ability to do that.

I am really thinking that, for example, the meeting with the minister and the commissioner probably should be something we do once a year, to provide the members with an occasion when they can tell us what problems they have run into and sort out those things where there is a real problem that needs to be rectified in legislative terms or in some other way, and those that are simple misunderstandings where no one intended the act to be used in this way. I would like to have that kind of occasion.

In terms of the ongoing review, I am not sure what capacity we have in the research department here to assign someone to what could be a rather onerous job.

Ms. Madisso: I guess I am not clear just which review you are talking about. Are you talking about the one where we would be looking at the 100 statutes and making an assessment as to whether the confidentiality provisions in them are necessary from a policy perspective or the review, let us say, of what the ministries are doing in terms of passing legislation or amending current legislation so that it is exempt from the act--that is another possibility--or were you thinking of the overall review of the way this act functions?

Mr. Breagh: To break it down into those three categories: to keep track of legislative changes that are proposed to conform with the act would be not a difficult task. You could see that is fairly simple.

1600

Ms. Madisso: That could be done, yes.

Mr. Breagh: To follow the internal decision-making and policy processes, I do not know how we would do that.

Ms. Madisso: That would be enormous.

Mr. Breagh: Yes. I think that is kind of beyond the scope of what human beings can do. I am a little perplexed as to whether we have a capacity to do the broader review.

The problem I have is that I would normally accept the commissioner's kind of annual report, and I anticipate that such an annual will occur one way or another in the normal flow of things, as with the Ombudsman's report.

The Ombudsman or the commissioner tables some kind of a document; that is referred to a committee; the committee reviews what he had to say. That would normally suffice for me, except that it may well be the commissioner who has caused the problem here. In other words, his annual report may not provide me with the assessment of difficulties that other people have encountered in getting information. So I kind of need something to monitor. Perhaps people would be satisfied with just the commissioner's report on the matter, but I am thinking that perhaps some more independent source should be found.

Mr. Chairman: Mr. Sterling, do you have some suggestions on this particular matter, kind of a supplementary on Mr. Breagh's question?

Mr. Sterling: One of the conundrums that we face is with regard to section 67, which says that the Freedom of Information and Protection of Privacy Act prevails over confidentiality provisions in any other act unless the other act specifically provides otherwise. There is one act now that provides otherwise, and it was done in anticipation of this act. That is the act dealing with adoption under the Children's Law Reform Act. There is no other act in Ontario that deals with the freedom of information act.

I would have preferred--and I put forward an amendment to the Freedom of Information and Protection of Privacy Act--that the other acts would prevail over this act, because I think the individual policy that was developed on those 100 statutes was more important than the generic policy which we put forward under the freedom of information act last June or July. Unfortunately, the Attorney General (Mr. Scott) did not accept my argument, nor did the New Democratic Party, and it voted against that. So we are caught in a conundrum here in terms of a two-year time span in which, if the government does not do something with 100 acts, the privacy provisions of this act prevail over the other acts. That may be contrary to the good of a lot of people in Ontario.

In terms of the general review, I am not as concerned, save and except for one matter in the general review: I do not think we should wait for a lot of time to go by before we make our first report in terms of reviewing the act. The one area I am concerned about is that municipalities, boards, school boards, all kinds of municipal, political and institutional structures come under this bill in three years and the act is inadequate in terms of dealing with those structures.

The only reason it was put in the act--and it was done against the government's wishes--was to make certain that within three years we would have a freedom of information and privacy act that dealt with municipalities and school boards, and we would have to sit down and do something.

I think one of the things we should do very early in the game is review that particular section and ask the Association of Municipalities of Ontario and a few other organizations and some of the school boards, "Can this act be put into place in your circumstances?" I think I know the answer we are going to get, and the answer is no. If the answer is no, we should make a report immediately to the Attorney General and maybe to Mr. Eakins and say, "Get on your way with creating a freedom of information and privacy act with regard to municipalities and school boards."

I think we can do that right away and we should do it right away, because if we wait two years and six months, we can be accused then of saying: "You didn't raise it with us. Therefore, we are in the last six months, so all we will do is not have a freedom of information and privacy policy or legislation dealing with municipalities." I think we should do that right away in terms of one thing we can do off the bat.

The other thing, in terms of our dealing with this act, is that I think Murray Elston, who is Chairman of Management Board, is going to be more important than the Attorney General. An understanding by him of how the bill is working is probably going to be more important for the smooth administration of the bill. He is going to know more about what is wrong with it than the Attorney General, because Frank White, the director of the agency that is dealing with it, responds to the Chairman of Management Board.

I would agree with Mr. Breaugh that we get the commissioner in here for his suggestions on how we proceed down the road, both with the three-year review and with regard to the two-year time span on confidentiality provisions.

I think we are going to need some direction from government on how much policy decision in terms of privacy they want to devolve on this committee. I am not interested in getting into a policy area unless the government really wants us to deal with it. If it wants to make the policy with regard to privacy dealing with those 100 statutes, so be it; let them go ahead and do that.

I think once we get into the policy area, it is not only the minister we are going to be dealing with, but the public. There are public groups which will be affected. They will come in here and put forward their proposals and we will have to make some recommendations. I do not mind doing that as long as the government really wants us to do it and will take some action.

If we are talking a two-year span and 100 statutes or some portion of those statutes, I would really like that it not all come down to two years less a month. When there are 100 statutes in front of the Legislature to deal with privacy, I would like to see an ongoing situation where legislation would be amended over those two years, so that we will not be in a situation like we were with regard to omnibus bills, changing statutes dealing with the Charter of Rights, where nobody could really consider the implications of the changes that were taking place with regard to the statutes because they were all dumped in your lap. You were dealing with 35 statutes in one statute and some of the provisions would be pretty important.

I do not know what research we need, because we have not set down what we are going to do. I do not know how active the commissioner is going to be in terms of the review process. Maybe we should hear from him before we strike out on hiring or consider what kind of research we may need to track it down.

One thing that would be helpful would be to get Frank White, who is the director of the implementation of the freedom of information act, in front of the committee and tell us how he is tracking it, how he is keeping records of what is happening. Maybe we could suggest or ask for it to be tracked in a different manner, if that is the kind of information we will want two years from now.

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I suggest three things: Number one is to deal with that section--I think it is section 3 of the bill; I do not have it in front of me--dealing with what is going to happen in three years with regard to municipalities and boards; number two is to ask the government how much it wants us involved in the policy part of the privacy part and how it is going to implement our recommendations; and number three is to get Murray Elston, Frank White and Sidney Linden in front of our committee and take some advice from them as to what they see as their priorities in dealing with what we are charged with under the act.

Mr. Chairman: OK. Mr. Breaugh, you had not finished before.

Mr. Breaugh: No, that is pretty much where I am. I believe the starting point and the first sensible thing to do is to invite the commissioner and the minister to come to the committee and get some sense of what they intend to do in terms of tracking all of this stuff, and we can vet our little problems and clear up misunderstandings.

In the longer run, I think I am basically of a mind that there is no use in our trying to trace the internal assessment and policy decisions that are made within the government. I do not think that is very fruitful. I am not sure it is our business.

What we can do is follow the legislative changes and probably set aside some time once a year to assess those. I think we need a vehicle whereby the other side of the story is presented. If the commissioner's role is to report to the assembly once a year on how he sees his job is getting done, then I think all we need to do is provide the other side of the equation; that is, provide an occasion when the public and the members can make the same kind of assessment about whether it is working or not and kind of put together the litany of problems that undoubtedly will appear.

I think it is kind of sorting itself out, but I think the starting point is to invite at least Mr. Elston and Mr. Linden to appear, and I would suggest as soon as possible, so that we can get things off on the right foot here. If you want, I will make that a motion as a starting point for us.

I am not as concerned about the long-term reviewing mechanism yet.

Mrs. Sullivan: I think it would be useful to have both the Chairman of Management Board (Mr. Elston) and the commissioner attend at the committee.

I would also like to have some background information from them in advance, particularly from the commissioner, and from the implementation division, for our use.

Each ministry has developed a privacy-information co-ordinator. Within the ministries themselves they have spent a great deal of time assessing the statute dealing with confidentiality and how the practical process is going to be implemented. I suspect that within this initial list, for example, that was identified much earlier, there will already have been done a great deal of research that we could avail ourselves of.

The other thing is, and I am not quite certain how this fits at all, but for example, I assume it would be under the Legislative Assembly Act where the Speaker is given responsibility for the operation of the precinct. There are security provisions in that and we have been talking about them. There are some aspects of that matter where there is a confidentiality necessity, and I do not see that coming in so far. I suspect there are other areas which must be the same. I do not know if the Legislative Assembly Act is listed. Yes, it is listed here, so maybe my point is covered, but, indeed, I think we should really use a lot of the work that has been done so far. I think there has been a great deal of analysis that would be very useful to us. I certainly know it is happening in some ministries.

The other point I wanted to make is I was very interested in Mr. Breaugh's comments about this act already affecting his relationships with his constituents. I have not heard that before. It has certainly not happened in

my constituency and I have not heard from any other member of our caucus being affected that way. I am really surprised.

Mr. Breaugh: It may just be the way that different offices work in different ways. In our caucus we have had an increasing number of people. It is uneven because it is being applied in different ways, I guess almost depending on which minister you are dealing with. It is becoming a problem on a day-by-day basis. If you have not run into it yet, you will.

Mr. Chairman: Certainly, if all offices operate the way mine does, about 90 per cent of the work one does is in the form of phone calls. If every time you are going to try to get information from the government, you have to get the person to come in and sign a form and then you have to send that form to the ministry to find out if you can get some information on that person, I mean it just would completely hamstring our operation.

Mr. Breaugh: It not only cripples the effectiveness of the constituency office work, but it slows it down and changes the nature of it. We, for example, are familiar that when we need medical records to do a compensation case, we get a release from the patient. We send that to the doctor and he releases the records. That is a little cumbersome, but we do not have to do that very often.

If it means that every time a welfare cheque is late, we have to get a release from somebody before we can do that or we have to get a release before a compensation cheque can be issued, or any range of things, it will change the nature of the constituency office work to the extent that we are going to have to put more people in there and we are going to have a much longer delivery period, because the things we normally do now by telephone, which is almost totally what we do in my constituency office, if the nature of that work turns into a paper chase, I need more people and it is going to take longer and it is really silly to get into that.

Mr. Sterling: I suspect the work that most of the ministries are doing does not relate to the privacy statutes. I may be wrong, Barbara, about that. I think that probably over the last two or three months there has been more concern with the implementation of this act and how it is working.

The act is different in that it charges the committee in an unusual way with a task which is almost a legislative task. I must admit some culpability in that because I drafted the first bill that had that particular section in it and it was copied in this bill when I was the minister responsible for it. I did it because I do not think most ministers or ministries are sensitive to privacy issues in dealing with all kinds of legislation, other than the very more obvious ones when they are dealing with something like an adoption issue, when it does become a higher profile issue.

It is an unusual section within an act, but it is also an unusual subject too, in terms of its being a situation more about how this place runs and how government runs, rather than a normal policy decision. I hope you are right in terms of the ministries turning their minds to the confidentiality provisions and looking at the policy of that, because nothing would please me more than them to come in with higher recommendations and say, "On this act, we consider this and this and this to be the way to go and we have looked at all of the options and these are our choices." That is fine and dandy and then I can make some cursory comment. I suspect they have.

Mrs. Sullivan: I know that over a period of well over a year, I

would say close to two years, ministries spent time identifying even the naming of files so that they could be understandable to the public for access. In doing that, there had to be a definition of what made that available or not available because it was going to be put on a list in terms of categorization. I think a lot of our work is being done for us, but I think maybe we should hear--

Mr. Sterling: No, but that has more to do with the implementation of this act. It has nothing to do with how the other acts dovetail in with the other confidentiality provisions of the other act dovetailing into this. What you have when you look at the other confidentiality provisions is, which system do you want to take? Do you want to take the system that is into the consumer credit controls, the acts relating to that, or do you want to take the rules under this act, in terms of getting at that kind of information?

1620

I just say that this committee is charged in a two-year span with looking at those 100 acts, so we have to push the ministers basically to do that job and present it to us.

Mr. Chairman: There are two aspects here. One is that in a few weeks' time, probably in a couple of weeks, we could have Mr. White, Mr. Elston and Mr. Linden here, providing they are all available. We could schedule that.

The second aspect--I am not sure we are prepared to make that decision today; I would venture a guess that we are not--is how we are going to deal with the various acts. There is a considerable amount of work ahead of us, and I am not sure whether we want to go through all those acts and delete whatever we have to delete or change or whatever. There may be a more expeditious way of doing that. Does anybody have any suggestions on that?

Mr. Breaugh: The kind of thing I am interested in resolving is this: the notice of the meeting on the first major information session held by the government on this bill was delivered to my office the day after the meeting occurred.

Mr. Chairman: Obviously, you were not there.

Mr. Breaugh: I was not there and none of my staff was there. Maybe that is just the mail problem again. But I do think there are a number of unfortunate and silly incidents occurring, and there is no reason for this to happen. It is just that people maybe do not understand what is going on here.

I cannot believe there was any intention on anyone's part to make the access to information more difficult. I do not think that was the idea. Maybe they need some kind of provision which says that members' offices can function on some kind of confidential basis. Members have had constituency offices for quite some time, and although they operate in different ways in different places, they all do a familiar load of case work. You can cripple that by shutting down this information system.

Mr. Chairman: OK.

Mr. Breaugh: So can we leave it that the first step is that we invite the minister and the commissioner to attend at their pleasure, in the next two or three weeks, and get some sense of what they are doing and some of

the problems we are encountering? That is our starting point. After that meeting, we could move to considering what the ongoing review will look like and how we will go about it. It may be as simple as what Mrs. Sullivan suggested, that we get tabled with this committee internal documents on how they are doing these things.

Mr. Chairman: Possibly we should meet with some people from Ottawa to see how they dealt with these things. Obviously, they gave up on part of the process.

Mr. Breaugh: Yes.

Mr. Chairman: It may be helpful to do that. The first stage, if the committee agrees, is that we will invite the three gentlemen down two weeks from today, on April 27, and proceed from there.

I might just ask if Mr. Eichmanis has any comments with regard to what we have discussed here, as he is very much involved in that, or Valerie Sharp, for that matter. Do you want to come up here, please?

Mr. Eichmanis: I think the commissioner will be delighted to co-operate with you and help you in any way he can. As well, I think he would be delighted to have even an informal meeting, so you get to know him and get to talk about the act and about what is going on. If you are prepared to come up and see the offices and sit around and maybe have a coffee and a doughnut and talk about how the office is going, then maybe in an informal way you can get to learn how things are. Those are the two messages I am bringing to you from the commissioner.

Mr. Chairman: I think we should take advantage of that invitation to go over there and see the operation after the commissioner has been here.

Mr. Breaugh: We can see the many thousands of staff people and the fine art that is in the office.

Mr. Eichmanis: No, just 16.

Mr. Chairman: Can we see the confidential files on ourselves that the commissioner has?

Mr. Eichmanis: No, we do not have that sort of thing.

Mr. Chairman: You do not have any of that? That is out of our reach.

Mr. Eichmanis: All the confidential files you have about yourself, you have in your own office.

As I say, the commissioner is pleased to do whatever he can and extends an invitation to visit him and talk to him informally.

Mr. Breaugh: Why do we not make it a little more formal? I would suggest that, on the date you suggested, we invite them here. Then I think it would make some sense for us to get some idea of how it is translated into an operational unit.

Mr. Chairman: I will leave it with the clerk to arrange those two matters.

Mr. Breaugh: Mr. Sterling was offering some ideas about menu.

Mr. Chairman: Thank you very much, Ms. Sharp and Mr. Eichmanis. I think we are fairly clear on what we are going to do.

We will deal now with item 2. We will go in camera for item 2.

The committee continued in camera at 4:26 p.m.

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M-27

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
WEDNESDAY, APRIL 27, 1988

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)

Breaugh, Michael J. (Oshawa NDP)

Cordiano, Joseph (Lawrence L)

Faubert, Frank (Scarborough-Ellesmere L)

Johnson, Jack (Wellington PC)

McClelland, Carman (Brampton North L)

Polsinelli, Claudio (Yorkview L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

Swart, Mel (Welland-Thorold NDP)

Substitutions:

Black, Kenneth H. (Muskoka-Georgian Bay L) for Mr. Morin

Ferraro, Rick E. (Guelph L) for Mr. Polsinelli

Clerk: Forsyth, Smirle

Staff:

Madisso, Merike, Research Officer, Legislative Research Service

Witnesses:

From the Office of the Information and Privacy Commissioner:

Linden, Sidney B., Commissioner

From the Management Board of Cabinet:

Elston, Hon. Murray J., Chairman of the Management Board of Cabinet (Bruce L)

ERRATUM: The inside cover of M-26 should read:

Staff:

Madisso, Merike, Research Officer, Legislative Research Service

Witness:

From the Office of the Information and Privacy Commissioner:

Eichmanis, John, Policy Adviser

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, April 27, 1988

The committee met at 5:05 p.m. in room 228.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Mr. Chairman: I call this committee meeting to order. We are appreciative of the fact that we have the Chairman of Management Board of Cabinet, Mr. Elston, with us today. With him is Sidney Linden, who is the Information and Privacy Commissioner, Mr. Eichmanis and, I presume, Frank White.

We want to discuss this. We only have until 5:45 today, after which the committee will go in camera and discuss another matter. But we have until 5:45 and Mr. Elston has another appointment, so we should cut it off at that point.

Very briefly, we wanted you to appear before our committee, Mr. Elston, together with the other gentlemen, to discuss this. As you know, we have some legislation which has to be dealt with some time in the next couple of years, and there is some urgency to dealing with it. I know you and your staff have looked at some of this to see how it might be expedited. I think there are about 50 pieces of legislation that this committee should look at.

Hon. Mr. Elston: More than that. I think there are over 100.

Mr. Chairman: You see. We have already gone up 100 per cent. There you go. It is going up fast.

Hon. Mr. Elston: I am from the government and I am here to help.

Mr. Chairman: No comment.

Would you bring us up to date on what Management Board has done? Then Mr. Linden might apprise us of some of his thoughts on it, and we can go from there. We will have questions.

Hon. Mr. Elston: In terms of what we have done, I do not think we need to go back to the start of this thing or talk about the directories that have been put out to help people to identify where they can write to get information. The commissioner has been appointed and in fact is busy doing all the administrative setups and getting ready to perform at least two or three appeals. There may be larger numbers than that, but he is setting up the procedure by which that can occur.

From Management Board's point of view, we are now looking for all the confidentiality sections under legislation. A letter has gone out from the secretary, John Sloan, to the deputies, to the ministries, to help us at least begin the process to identify the sections that will have to be dealt with. Our responsibility, of course, is to make sure that the Freedom of Information and Protection of Privacy Act works. That will have to be done because of provisions in the act which indicate the necessity of re-enacting, if there is a decision to re-enact confidentiality sections.

It is in that line that I wrote a letter to you, which I guess you got

somewhere around April 17, indicating our willingness in Management Board to assist the committee in whatever way we could by making available our list of identification of sections in the acts. We felt it would probably be productive if we shared with the committee all the information we had that concerned all the pieces of legislation needed.

Obviously, there are people who are working on that now inside the ministries. In fact, I am sure the obvious ones have been identified by them, but they are setting up an inventory which we hope we will be able to have more complete, probably in August, if not beforehand. That is certainly going to be made available, and we can speak about how we set up the liaison between our group of people, through Frank's shop, and the committee, if you wish, or we can just agree that it will happen and certainly it can then take place.

Anything we have along those lines certainly is available to you. Frank's organization is also available at any time to assist in giving you information about what we are doing, how it can be improved or if we have any suggestions. In that line, perhaps after Mr. Linden has been able to indicate what he has done, I can address a couple of questions that were raised, for instance, by Mr. Breaugh in the committee not long ago and by Miss Martel in the House last week about some problems that have arisen. It is those types of things that we want to deal with relatively quickly.

If the committee wants, we can have Mr. Linden indicate what he has been able to do.

Mr. Chairman: Yes.

1710

Mr. Linden: In the first few months, we were obviously concerned with setting up the administrative procedures in the office and developing the staff. It has been a time of recruiting and developing an organization that we think will be capable of handling the business once it starts to come in on a regular basis in the early months and developing the procedure for conducting the appeals.

The main function, I think, of the commissioner's office in the early stages is to handle these appeals as they come in. A number of them have come in already. We want to ensure that we design an administrative procedure that enables us to be efficient, on the one hand, and legally sound, on the other. A good part of our time has been spent trying to develop those procedures.

As well, as you know, the act provides for a mediation function. The act emphasizes the mediation function at the outset of the procedure, and we have been working to develop that and to ensure that in each case there is at least an attempt made to mediate or to settle the issue before it goes to an inquiry or before it is necessary for an inquiry to take place. We have been successful in resolving a number of appeals by mediation up to this point in time.

I realize the commissioner's office would have to play some role in some of the longer-term issues, the three-year review and the confidentiality review, but those are things we have not turned our minds to at this early stage.

We have been developing good ongoing working relationships with the Management Board, with Frank White and the staff he has, trying to develop our

respective areas of responsibility. Sometimes it is not as clear as we might like it to be exactly what Management Board is responsible for and what the commissioner is responsible for. There has been some confusion, even in the media and even with Miss Martel, as to who is responsible for what. I can understand that because it certainly is not clear. It is not even clear to us.

We have been developing it and we have been going forward very well. As I say, we have meetings regularly and I am very pleased with the direction in which our ongoing relations are going. That is about all I can say at this point. Things are progressing as well as can be expected at this stage of the game.

Mr. Sterling: First of all, Mr. Elston, I would like to congratulate your ministry on the setup that both Mr. White and Mr. McCann have undertaken over in the Suncor building. I think they have done a tremendous job in terms of trying to let the public know. The materials they have produced are really top-notch in terms of trying to get out there what is going on and that kind of thing.

Hon. Mr. Elston: In that line, it is interesting to note that we received honourable mention, I want to call it I guess, in the evaluation materials printed to make the information available. I think it indicates that the format has been very instructive and very readable. So I accept your congratulations for Frank's and Steve's work and their group's work, obviously, and acknowledge the fact that it has been noted at least in a public sense that it has been well done.

Mr. Sterling: While we are in opposition, we know there are going to be some glitches here when we start, not only in that operation, but also some glitches with regard to the commissioner. We are certainly going to try to work those out as best we can as far as that goes.

There are two things, I guess, that we have some concern about, and I mentioned them before the committee. One is the whole area of municipalities and boards and that kind of thing. I think I stated at least our intention as a caucus in putting those in the bill was to move the government over the next three years to do something to move in a legislative way in that fashion. I do not know who is going to carry the can as far as that part goes. Are you going to do that or is the Ministry of Municipal Affairs?

Hon. Mr. Elston: Yes. We have already made some initial contacts with chief administrative officers in the municipalities to begin the consultation process, which we expect will be in full flight a little bit later in the summer. While we want to do as much as we can very quickly, we realize there are a number of areas we have to work on at the same time. But the answer to your question is yes. What you described as carrying the can--Management Board, in consultation with the people at Municipal Affairs and others, will make sure that we get something that is very workable along that line.

Mr. Sterling: Is it the intention of the government to change the act before the three years is up, to deal with municipalities and boards and that kind of thing?

Hon. Mr. Elston: We have not developed an intention to do anything necessarily in a final form, Norm. The reason we are going to go out is to talk to the municipalities to see where the problem areas are. As you know, the act has some sections in it which are not appropriate for municipalities. They do not have the same structure as we have.

In that light, I guess I can say there are going to have to be some changes--that is obvious--to make it a functioning feature for municipalities, but we want to understand what the municipalities feel is needed first. Obviously, we are going to be very attentive to the suggestions they make for us to consider. Exactly what those things are cannot be enumerated at this stage.

Mr. Sterling: I just do not think that the commissioner's office should be going down a route to try to wrestle with that problem if in fact there are going to be some major changes before it kicks in. They are probably going to have enough on their hands dealing with the other part of it on a provincial basis, rather than worrying about something that is going to happen three years down the road. I would just like to see the government move in that area so that when we get into the last six months, you will not be saying, "Well, the old act won't work, but we did not really know enough to"--

Hon. Mr. Elston: I think it is fair to say that we are starting right now. So there should not be that delay.

Mr. Sterling: The second thing that I wanted to mention was with regard to privacy, the confidentiality acts. There are two years before this act overrides the other ones, and there is only one act, the children's act dealing with adoption procedures, which supersedes this act.

Our committee wanted to know what the government wanted from us. Do you want to dump the issue of confidentiality dealing with--I do not know--credit or do you want to come in and make recommendations for us to comment on? Basically, within the act it says we should look at it, but we are unclear as to what you want us to do in looking at it:

I originally put this particular section in the act when it was drafted back when I was a minister dealing with it. I will tell you the reason I put it in. I felt that in a lot of cases there was not enough interest within the ministries, or they did not see that as a priority in their legislative timetable to deal with the particular issues.

I thought it was something pretty nonpartisan. I do not think much partisanship enters into it when you are dealing with privacy matters in general, so why not let the Legislative Assembly reach whatever compromise has to be reached, because that is what this whole act is all about. What is the compromise between what is reasonable in terms of privacy and what is reasonable in terms of public access to that information?

You are a different government and you maintained that particular section, but we are at a loss really as to how far you want us to get into it.

1720

Hon. Mr. Elston: Actually, in terms of looking at what is to be done with the Freedom of Information and Protection of Privacy Act, when we, for instance, do our consolidation of it, with your assistance or whatever, there are two ways we could proceed. You could make a report on your own, if you wish, or I could come here with the report and a piece of legislation around that which you could then debate.

It seems to me, from my days on committee, that the work of the committee really starts in earnest when you get a piece of legislation before you. In many ways, that is when you really start to get down to making the

necessary decisions. I do not want to detract from what you may decide to do, but it just seems to me that, as a matter of efficiency, if the material were in front of you and you had it in black and white, you could assess what is there and then make a decision.

I am quite prepared to do it in that fashion, to assist in the efficient operation, but again, certainly, you can make a contrary decision.

Mr. Sterling: I do not object to that approach.

Hon. Mr. Elston: I just think that it saves two or three steps, when you have a report that is tabled and then another report that comes back and then final legislation, which then comes back for the real work. I am quite prepared to bring legislation, if that would be agreeable to the committee. But you would have the material obviously before, in terms of our compilation.

Mr. Sterling: The only thing that I would not like you to do is to wait two years less two months and come in with an omnibus bill to try to deal with 100 different confidentiality issues. I would rather you look at 30 or you look at 10 and if you want to change legislation surrounding those things, bring them in so we can deal with them in a fairly serious way.

Hon. Mr. Elston: I do not know exactly what our compilation is going to achieve, but we may find that there are a number of areas in which there is no action to be taken, in fact, that these sections just die.

If that is the case, we may be able to deal with a whole number of them. There may be, at the end of the day, 10 or 12 really difficult issues to deal with in various ministries. I do not know that. But certainly, if we have a bunch of acts that are not going to cause us problems, we could probably do them all at once, or at least identify them for the committee so that you could note that the review had been done and that it appeared that the ministries and Management Board had suggested that no legislative change is necessary, or at the very most we are repealing a section or something and then identifying other areas which have to be worked on. I think that would probably be an efficient way of dealing with it.

Mr. Breaugh: There are two or three things I would like to try on for size here. The first is that I think many of us are really concerned that this thing gets off on the right foot. As much as is possible, my preference would be that, as quickly as people can identify problems, you and the commissioner resolve them and that where there is a clear consensus on what to do, we do not wait around for a larger problem to emerge out of that.

For example, we have raised in the Legislature and here some practical difficulties that members are encountering that none of us thought would be a problem, frankly. None of us anticipated that there would be a blockage, there would be less information flow, and none of us anticipated that this bill was designed in any way to interfere with the normal working of a member's office.

I do not think it was. I think the problems that have been encountered so far are things that can be resolved without changing the act. But I do point out that, if that does not happen, if we do not find a way to get back to normal, so to speak, if we cause, for example, in each member's office, a great paper flow of permission slips being put backwards and forwards and stuff going to the Workers' Compensation Board in a different way or to various social service agencies, the work in the constituency offices will cease. The Legislature will be forced to hire eight million people to handle

all this paper and computers to go with it. That was no one's intention, so I think we have encountered some initial difficulties that we can resolve.

The first thing that I want to get your response to is that. How far can we go? There is going to be a breakoff point here where the commissioner, for example, is going to say, "Listen, I can't really hear appeals on applications for information if I am part of the problem." So I am testing the waters here to see. I do not think anyone would challenge that for the first six months, or maybe for the first year, on a rather informal basis we can have all three, this committee, the commissioner and your ministry, work together to get it started. I think that is our first priority. Is there any problem with that approach?

Hon. Mr. Elston: No, I do not think there is any problem with that. The issues that you raised and that have been identified by people from all parties about the access to information on that contact for an emergency problem, for instance--we think that probably in the next few days--in fact I have a draft of a letter I am going to send to all legislative members which talk about ways we think those will be handled and the acceptability of having members' offices get quicker access than the requirement to have somebody sign, for instance.

Of course, we expect to still allow the people to ensure that there is confidentiality. For instance, John Sweeney and I have been talking about alternatives with respect to some of the difficulties that the Ministry of Community and Social Services has with respect to personal information it has in its files. If such personal information is requested by telephone, even though it is identified by the MPP's office, if there is any question about it and if there is bulk material, it should be dispatched to the individual.

We are sampling to see how acceptable that would be and whether it is going to cause a problem, if somebody has phoned the MPP's office and said, "Get me some information," and whether the people might act on it by bringing it in to the MPP. We believe in most cases where there is a request for a lot of personal data that probably the person is going to attend at an office anyway and that getting the necessary instructions for what actually has to be undertaken will be looked after by the constituency assistant or the MPP.

In an emergency situation where somebody is calling for a check, certainly in my opinion, and I think you will see that in our communications later, the identification of the person's position in the MPP's office and a positive assertion of consent by the individual over the telephone would be enough to get the necessary material to get the problem resolved. If the MPP is writing, he will make a positive assertion in the letter that, "I have instructions to do this" or "I have consent to do it," and that will be sufficient. As you have indicated, we do not want more paper. There is just no point in it.

I think the identification and the fact that the member has a role to play as set out in a special fashion in the act--in fact there was special language to indicate that the MPP had a role to play--indicates to us that that should be a sufficient safeguard for the people in the ministries who believe that perhaps the actual wording would impress upon them the need to have the written consent. I do not believe the spirit of the act would be violated if they accepted the assertion of the MPP or his staff.

Mr. Breaugh: I think there are probably limits to this approach, but I do feel that it is really important to get this thing off on the wrong foot.

Hon. Mr. Elston: The right foot. If we get off on the wrong foot, Mr. Linden is going to be limping.

Mr. Breaugh: I looked at Frank and I said "wrong." If we can get the thing initiated in a way that we are all agreed that is what the intention was and we are not going to argue about a specific word that was used in that--I would be happy to argue about specific words a year from now when we begin a review.

The second thing that we have discussed a little bit is the capacity of a legislative committee to do a review. I am not sure that there was a great consensus on this, but I think there was some, that in general we had no interest in reviewing the administrative side of it. If you could keep us informed and if perhaps once a year or so we set aside some time and reviewed an annual report idea, whether that is actually an annual report or not, that is about as much as we would like to do.

On the commissioner's side, there could be the same type of approach. In terms of a legislative review, again I think we would prefer to have the two of you, by means of some reporting mechanism, present to us, "Here are the problems and here is where we seek some direction from the committee." That approach is probably more manageable from our point of view. Obviously, this committee has other things to do and does not want to sit and watch every day how one of the ministries works.

If we could get agreement from both of you, much as the minister said in his opening remarks, that we could be kept apprised of what is happening and that some version of an annual report, whether it is called that or not, is presented to the committee so that we have some means of tracking your activities, then I think we can get the job of reviewing legislation down to something that a committee can actually handle and perhaps be useful. Is that a generally useful way to proceed?

1730

Hon. Mr. Elston: I think the legislation requires an annual report of the commissioner and I do not see any problem in us tagging along with a very brief statement of what has transpired; if not an annual report, at least some kind of a brief to the committee or whatever. Perhaps we would then appear at the same time as you are reviewing the commissioner's annual report. I think that is a great idea from my point of view.

Mr. Linden: Our staffs are meeting now regularly and that is what we try to do, identify the problems as they occur and deal with them. Hopefully, we can resolve them and, so far, we have been able to. As soon as we run up against a problem that we cannot resolve, it makes sense that we would bring that to the committee as something that has to be looked at.

As far as an annual report is concerned, the minister is right that there is an obligation in the act for our office to prepare one and to submit it. I would be more than happy to come here at that time and answer whatever questions the report raises.

Mr. Breaugh: I would just put this little caution on it. As many of us know only too well, an annual report can be a pretty meaningless piece of paper. Unless we get further information, for example, if we get a regular update and the annual report is the focal point whereby the committee seizes the matter and discusses it, it probably makes some sense to do that. If the

annual report says, "We are really wonderful and we have eight awards for paper flow this year and we have handled eight million requests for information," that kind of a report is not going to be particularly useful.

I do think that it would be, for example, in the problem that Norm raised earlier: The Association of Municipalities of Ontario is interested and has committees working on how this type of legislation could possibly be applied to a municipality. If we can track how that process is developing and we get to see either a new piece of legislation to cover municipal government, which is one option, or we see some amendments to this act, which is the other, there are no surprises in the information flow and the legislative response will come about a bit better.

The other thing that had occurred to me is that we have had some difficulty with this before but there are a number of agencies, for example, the Commission on Election Finances, which for a long while had great difficulty, not because the legislative changes that they wanted were substantive but because there was no mechanism to get those changes before the assembly. The government, for whatever reason, was reluctant to introduce changes to the act. I guess the political argument was that once you put the bill on the table, everything is open for discussion.

It seems to me that a reporting mechanism that came from either one of you through a legislative committee, where the committee itself tabled a bill that essentially was supported by all three parties before it went to the assembly, would be a way to flow legislative alterations that were not substantive in nature.

If we are looking at wording amendments, for example, and there may be in this bill a need to do a fair amount of that, to put those recommendations in front of this committee and get agreement before it is introduced in the Legislature--in fact, we have used the technique of having the chairman of the committee introduce a bill of that nature.

Obviously, if there is great partisanship behind all of this, this kind of a process does not work. But, as Norm said, this is probably an area where there is not going to be very much of a difference between any of the political parties, where it should be reasonable to expect that you will get a consensus and that those changes can proceed in a relatively smooth and orderly manner.

Does that sound like a reasonable approach? It is not far off what you were suggesting.

Hon. Mr. Elston: I do not have a problem in cleaning up the legislation to make it function. I do not really have a brief for whoever the material comes from as long as it gets done. But I have noted in some situations, if there are disagreements on it somewhere along the line somebody has to act, and I am charged with that and I will act, if there cannot be agreement. I just do not see any other way of taking legislation forward in that sense.

Mr. Breaugh: OK. I think we are in reasonable accord.

Mr. Chairman: Does anyone else have any questions of the minister, Mr. Linden, Mr. White or Mr. Eichmanis? If not, I thank you for coming before the committee today, gentlemen. We will wait for your response whenever you are ready to proceed with the next stage of this.

Hon. Mr. Elston: There is interest in the field, around the province, about having freedom of information. So far, Mr. Linden and I have had to cancel only one event for lack of interest, and it dealt with the Law Society of Upper Canada. It was a problem in marketing as much as anything, we found. So far, the degree of interest in having communications from our department and from the commissioner has been very very high indeed.

We have had the usual first round of inquiries which test the system on the administrative side of things to handle them, and I think we are doing fairly well. Whereas I do not want to say that we will not come in with a report that we are doing wonderful stuff, I think we have to say where we are doing stuff right. We may be able to identify some problems along the way.

We will certainly keep the committee informed. I welcome the opportunity of sharing whatever difficulties arise. Certainly, being able to find out early will help us a lot to defuse situations, like that we just discussed, before they become too big a problem.

I thank the committee for its interest and for the co-operation that is being extended to us which makes our job easier.

Mr. Chairman: Thank you, Mr. Elston, Mr. Linden, Mr. Eichmanis and Mr. White.

Members are asked to stay for a few minutes because we are going to go in camera for another item. We will ask everyone else to leave, except the people up here.

The committee continued in camera at 5:37 p.m.

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Publications

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

EXECUTIVE DIRECTOR, ASSEMBLY SERVICES

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CONGRATULATORY SCROLLS

ORDER OF ONTARIO INVESTITURE CEREMONY

WEDNESDAY, MAY 4, 1988

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)

Breaugh, Michael J. (Oshawa NDP)

Cordiano, Joseph (Lawrence L)

Faubert, Frank (Scarborough-Ellesmere L)

Johnson, Jack (Wellington PC)

McClelland, Carman (Brampton North L)

Polsinelli, Claudio (Yorkview L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

Swart, Mel (Welland-Thorold NDP)

Substitutions:

LeBourdais, Linda (Etobicoke West L) for Mr. Cordiano

Nicholas, Cindy (Scarborough Centre L) for Mr. Morin

Clerk: Forsyth, Smirle

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, May 4, 1988

The committee met at 3:38 p.m. in room 228.

EXECUTIVE DIRECTOR, ASSEMBLY SERVICES

Mr. Chairman: I call this meeting of the standing committee on the Legislative Assembly to order. The first item on the agenda, as you can see, is the appointment of a subcommittee to interview and recommend a person for appointment as executive director of assembly services. In the past, as members know, we have had a subcommittee with a representative from each of the three political parties deal with this matter. If you care to do that again, we could appoint those people right now and proceed.

We could probably meet later. Does the clerk of the committee have any suggestions on that?

Clerk of the Committee: I think the Speaker would like to get this under way as soon as possible. If there is an opportunity next week, perhaps in this time slot to deal with the interviews, it might be appropriate.

Mr. Chairman: The only thing I know that might come up next Wednesday could be the budget. We are not going to be dealing with the budget today because the clerk is still trying to get some information on it, I understand. The subcommittee could interview those people next week, together with the Speaker and the clerk.

Mr. Breaugh moves the recommended motion striking a subcommittee.

Mr. Breaugh: I would be happy to serve on the subcommittee for our caucus.

Mr. J. M. Johnson: I nominate Mr. Sterling for us.

Mr. Polsinelli: Mr. Morin for us.

Mr. Chairman: It could be you or it could be Gilles Morin.

Mr. Polsinelli: Why do we not ask Gilles if he wants to serve on it. If not, I will.

Mr. Breaugh: Mr. Morin, Mr. Sterling and myself could be the three members named. Others could be substituted if it is not a problem.

Mr. Polsinelli: May I point out, I think the motion should establish the members of the committee.

Mr. Breaugh: I just did.

Mr. Polsinelli: But also indicate substitutions should not be allowed.

Mr. Breaugh: I am trying to accommodate your caucus.

Mr. Polsinelli: In my situation, what I am suggesting is that we will determine, either myself or Mr. Morin—

Mr. Breaugh: That is fine, if that is what you want to do.

Mr. J. M. Johnson: No, no, the substitution should be allowed, because—

Mr. Chairman: Let me put it this way. As I understand it, if Mr. Morin is not available, I will ask you, Mr. Polsinelli, and if you are not available, I will ask someone else from the Liberal caucus.

Mr. Polsinelli: In other words, substitution will be allowed and you are not adopting the motion that has been presented in the material?

Mr. Chairman: But you have to allow substitutions because otherwise you would hold up the business of the committee. OK. I guess it would make sense to have only the one person on there. You would not want to change halfway through the procedure because it might take more than one day. I think that is the point of the resolution, so that you would have consistency on there. If Mr. Sterling were to start, then we should not have Mr. Johnson come in halfway through because Mr. Sterling would have heard half and Mr. Johnson the other half. It is the same with Mr. Morin and Mr. Polsinelli.

Mr. Polsinelli: Well, let us leave Mr. Morin.

Mr. Chairman: OK.

Mr. Polsinelli: In the event that he cannot serve—

Mr. Chairman: Then we can ask you. Fair enough. The motion then is Mr. Breaugh, Mr. Sterling and Mr. Morin and then we go from there. There could be substitutions, providing they sit in on the whole procedure. All those in favour?

Motion agreed to.

ONT. PARL

Mr. Chairman: Item 2 is the proposal to amend the agreement between the Ontario Educational Communications Authority and the Speaker of the Legislative Assembly to provide for an administrative fee to cover costs of TVOntario's evaluation of requests for the use of the ONT. PARL satellite transponder.

Mr. Polsinelli: So moved.

Mr. Breaugh: I have one question on the matter.

Mr. Chairman: Yes, Mr. Breaugh.

Mr. Breaugh: How much?

Mr. Chairman: I think we need that information. What this committee should do now, now that we have tabled the letter, is to ask the Speaker to

supply us with additional information to find out what we are getting ourselves into. If you recall, on previous occasions we have raised this and people said it was not costing us any more because they were already there. I think that was accurate in the context in which the comment was made. The problem is that now we are getting more requests and it is going to cost us more money if we build on to what we have done in the past.

Clerk of the Committee: I believe there is some discussion of a five per cent fee, five per cent of a budget. The question is, what budget is it? Is it the operating budget or is it the total budget? Does it make a significant difference in the amount that they are requesting?

Mr. Breaugh: I suggest that it be tabled until someone provides us with that information.

Mr. Chairman: Yes. Why not try to get the additional information before we deal with it? But you are aware of the correspondence and we will try to get the information as soon as possible so the committee can deal with it.

Mr. Sterling: I am trying to remember. Was not Ontario educational television very anxious to run this particular service for us? As I recall, they were.

Mr. Breaugh: They have been very anxious to be participants in this process from day one. I think there was some rightful concern on their part that broadcasting from the Legislative Assembly not interfere with their mandate, that they work together rather than at odds. I thought we were all quite happy with that. I am quite amenable to the idea of some kind of an administrative fee being sought—I want to be fair to them—but I would also like to know how much money they are talking about.

Mr. Sterling: The other thing I would like to know is, is there any financial advantage to them now in carrying that service? I do not know if there are upsides to it or not.

Mr. Chairman: As I understand it, there are no additional costs with the exception of minor things, additional tapes or something of that nature, but if they keep on expanding, then I think there will be additional costs.

Mr. Breaugh: It depends on how you look at it. If one were to say to a private sector television station, "Here is an hour of free programming every day," I do not think they would look on that as an additional cost. They would say, "If we had to go out and produce an hour of programming every day, it would cost us, depending on what we were doing, somewhere between half a million and a couple of million dollars to produce an hour of television programming five days a week."

If you went to the private sector and provided them free of charge with an hour's programming every day, they might think that is of considerable value and would not consider it to be an expense. They would consider it a gift.

Clerk of the Committee: I think what TVOntario is requesting is compensation for the work it does in preparing the reports dealing with requests for transponder time like the Whipper Watson CAT scan.

Mr. Breaugh: I understand what they are looking for, but the fundamental question remains, how much?

Mr. Chairman: I think what we obviously need is additional information on this. We will try to get that information and bring it back on the agenda when we have it.

AMETHYST ROOM

Item 3 is seating in room 151. Mr. Clerk, do you want to bring us up to date? As you know, we discussed this.

Clerk of the Committee: At its meeting in March or one of its meetings in March, the committee discussed with Mr. Somerville the question of seating in room 151. The question was raised because they were considering installing a new sound system in the room at the time, and before it was installed, they wanted to know whether a new seating arrangement could be considered.

The clerks of the various committees consulted the chairmen and members of the committees that are using that room, and they came back with the comments that are contained in my memo. Basically, there was not any support for trying to do a modified U seating arrangement. The general consensus was to maintain the seating arrangement as it is.

As I pointed out in the memo, there is an option either for this committee to recommend that the seating arrangement stay as it is or we can always try to get, as Mr. Somerville suggested, perhaps a consultant to offer other alternatives. But there are major problems, such as one member not wanting to sit beside a member of another party because of confidential documents he may have in presenting arguments before the committee.

Mr. Breaugh: I appreciate that others may view this in a different way, but I believe there are problems in trying to televise from that room where basically you have the cameras positioned at the back of many members' heads. There are some difficulties in trying to do it.

I think what I am trying to search for is this. This cannot conceivably be the only way to arrange the room, so there is not just one alternative available. I see the one that has been proposed, but I believe a small child in grade 1 could come up with three other variations, and someone who actually knew what he was doing could devise many variations on the theme. It seems to me a rather silly way to proceed.

I believe there is a slight technical problem in televising the proceedings from that room. I do not think it is insurmountable and I do not believe it requires the hiring of a consultant. I think that others who are already employed by the Legislative Assembly could set their minds to it.

In this room, for example, if one simply looks at the area where the members normally sit, about half of the space is wasted. If one wanted to rearrange the room in a slightly different manner, one could do so and make better use of the space that is there. I think there is a problem in televising proceedings from the Amethyst Room, and I would like to see a little more imagination used in devising a solution to it.

Mrs. LeBourdais: I think it might be wisest if some guidance came from the communications people themselves. They will know camera angles and they will know sound. They could give us two or three options to choose from that fit their needs. Hopefully, within those three they will fit ours.

Mr. Chairman: I think that is a good suggestion. I think their concern might be that we should really put down what we want within certain parameters and then they might want to react to that.

1550

Mr. Breaugh: Except that—excuse me, Mr. Chairman—the problem is not a members' problem. It is a problem for the television crews who are trying to provide coverage. One simple thing that has concerned me somewhat in there is that I think the camera angles are really quite bad. That problem would be resolved somewhat by lowering the cameras in the room. One could accomplish the same thing by doing what you see in most television studios, and that is raising the floor somewhat so that it is on a platform.

There are several variations of what is being done on there that I am sure would assist people and would not be intrusive on the members. We have always tried all the way through to make sure that the television process does not interfere with the legislative process. If we were able to solve the problems in the chamber, where they were much more, I think surely we can resolve the problems in that room. I think a good start is to invite Bill Somerville and some of his people to appear before the committee and tell us what their problems are. Who knows? Maybe we might even find a solution to it.

Mr. Chairman: Two things. One is that I understand one of their concerns is that, for instance, if one of the members here turns around, as we have experienced, and speaks to you, then he draws away from the microphone and it cannot pick him up. He is speaking to you, but the microphone is not picking it up. That is one thing we have to look at from the standpoint of design.

The other concern is that I do not understand why people cannot sit beside other members of another political party. They do it in the United States. If you are trying to tell me that they are friendlier in the United States between the Republicans and the Democrats than the Liberals, the Conservatives and the New Democratic Party are here, I am not quite sure whether I can accept that.

Mr. Breaugh: Norman Sterling can sit next to me of all people. Others can make the same sacrifice.

Mr. Sterling: We object to sitting beside Liberals only on hygienic grounds.

Mr. Chairman: I do not know about you, but I really prefer the horseshoe format that they use in the United States, because you can pretty well see everybody and it really provides the kind of thing you may want, whether it is in a U shape, whether it is a horseshoe, whether it is a V or whatever.

Mr. Sterling: Can I ask you how many you have talked to about the arrangement? Did you do just sort of a random walking down the hall asking?

Clerk of the Committee: No. The clerks of all the committees using those rooms apparently contacted the chairmen and the members of the committees.

Mr. Sterling: The members of the committee? I was not asked about it.

Mr. Breaugh: Nor was I.

Clerk of the Committee: I cannot say if every member was asked. I was told the chairmen were contacted and that other members were.

Mr. Sterling: Was anybody else asked in here? Was any other member sitting in this room asked about the seating arrangement? I only suggest, Mr. Chairman, that the chairmen are the last people to ask, because they have a seat which in the Amethyst room is quite ideal; so in terms of their perception of problems, there are no problems.

Mr. Chairman: Yes, but let us hope they would not see it only from the standpoint of where they are sitting—

Mr. Sterling: Yes, I know.

Mr. Chairman: —because I have sat down where you are sitting many, many times.

Mr. Sterling: But you are much more sensitive to those kinds of things.

Mr. Breaugh: Let us invite him in.

Mr. Chairman: OK, invite Mr. Somerville and whoever.

STANDING ORDERS

Next is item 4: Request of standing committee on regulations and private bills with respect to changes to the standing orders affecting the committee's review of the regulatory process.

Mr. Breaugh: Could I suggest that we table this item until we have a resolution of the changes to the standing order, which I am told will either be done or not done in the next 10 days.

Mr. Sterling: Just a minute now. Did we do anything with regard to the standing orders?

Mr. Breaugh: For example, if the proposed changes to the standing orders are carried through, most of what this committee wants to do it would be quite free to do on its own. If those changes do not occur, then we would have to deal with items like this on a one-by-one basis.

Mr. Chairman: So we should table it for, let us say, two weeks or so, and then if we put it back on the agenda, we can discuss it at that time.

Mr. Breaugh: Agreed.

Mr. Chairman: OK. Item 5 is the reception for John Eichmanis.

Mr. Sterling: I am sorry to go back once again,

Mr. Chairman: OK. Go back to item 4.

Mr. Sterling: Even if we get by the step that Mr. Breagh is talking about in terms of the standing orders being reviewed, I wonder if the government party has any concerns over the suggestion.

Mr. Breagh: I do not.

Mr. Sterling: I said "the governing party." You were the governing party before the last election.

Mr. Breagh: That is true.

Mr. Sterling: You really got yourselves re-elected.

Mr. Breagh: We won that election.

Mr. Sterling: Yes, I know you did—18-18 or soon to be.

Miss Nicholas: Are you looking into your crystal ball?

Mr. Sterling: Yes.

I guess if we get past this stage, I would like you as the chairman to go to your House leader, Mr. Conway, and ask, "Is this acceptable?" There is no sense in us going around the hoops in terms of talking about these suggestions and then his saying, "The government is not going to deal with this." Do they have an open mind on changing the process?

Mr. Chairman: I think we have to keep in mind that the standing committee on regulations and private bills is just putting forth some views. They have not adopted that position themselves. It is a fairly loose position right now; so why do we not just leave it for a few weeks and then come back to it?

RECEPTION FOR LEGISLATIVE RESEARCH OFFICER

Mr. Chairman: Item 5 is reception for John Eichmanis. As you know, we thought we might have a reception for John and invite all the members of the Legislature. May 18 was suggested, but that is not a suitable date, so we are suggesting May 25. Is there any problem with that? We would have it around 5:30 or six o'clock and go to maybe seven or thereabouts.

Miss Nicholas: That is the evening that the Certified General Accountants Association of Ontario is having a dinner for all members.

Mr. Chairman: On May 25?

Miss Nicholas: Yes. It commences at 6:30 p.m. at Sutton Place. I do not know what the interest is in that, but I have that on my calendar.

Mr. Sterling: What time is the reception going to be for John?

Mr. Chairman: We were going to have it at six to about seven or thereabouts, but we could maybe make it 5:30 to 6:30 or we could pick another date.

Mr. Breaugh: I think it would be appropriate to do something perhaps from six to seven on that date. If members have other engagements later in the evening, they can drop in for half an hour or so and then go on to something else.

Miss Nicholas: I actually think this dinner is 6:30 for 7:30.

Mr. Sterling: Let us start it at 5:30, because the guys start to slip out of the Legislature at that time anyway.

Mr. Chairman: Start at 5:30 and go until about seven?

Mr. Sterling: Yes.

Mr. Chairman: Probably by 6:30 there will be a lot of people clearing out.

Mr. Breaugh: That is fine.

Mr. Chairman: So 5:30 until seven on May 25. Thank you, Miss Nicholas, for that information.

Are there any other matters that you wish to raise at this time?

Mr. J. M. Johnson: Wednesday, May 25, is the date?

Mr. Chairman: May 25, yes.

CONGRATULATORY SCROLLS

Mr. J. M. Johnson: I want to talk about the plaques. This is a new plaque that the ministry is giving out.

Mr. Chairman: Yes, we want to raise that.

Mr. J. M. Johnson: There are several things wrong with it. First, the most important item on the plaque should be the name, "To David and Margaret Jones, celebrating their 50th anniversary." You can hardly see "David and Margaret," and the "50th" you can hardly see. That is a mistake in the first place.

The plaques that I have had the honour and the privilege to present for the past 12 1/2 years are more of a similar nature to this. This is not as nice as the old one, but it is quite satisfactory. But I do not think that is satisfactory in my estimation.

I would be willing to compromise and say that on the 40th anniversary and the 80th birthday these would be suitable, because we are talking about a large number. But surely on the 50th and the 90th, which are extremely special occasions, we should go at least to this plaque.

1600

Another point I would like to make is that in the many years I have been here, I always had on the bottom of the scroll, "Presented by Jack Johnson, MPP, Wellington." I think it is a disgrace to take the member's name off. We are talking about 94 Liberals that are the same. They have to print in "David

Jones." They have to print their signature on it. They can just as easily fill in the name of the member. It does not cost that much.

I mentioned this in the House the other day. I was going to take it up again with Patten. He came over and told me that he would be quite prepared to listen to some proposals, that he is willing to accept the change. He said he thought that maybe the House leaders could come up with some reasonable suggestions.

Our House leader suggested in our caucus on Tuesday that I should take it to this committee. I suggested that to Patten, and Patten agreed and said it was a good idea.

Mr. Chairman: I think this is where it should come, honestly. We are dealing with the members here in this committee and it is a logical place for it to come.

Mr. Breaugh: I was going to suggest that this and a number of other items that I would call protocol items should be brought to this committee. A group of members should be the ones who make the final choices about the design of these things, whether it is the size of the lettering, or how they are presented or when they are presented. I can think of a number of other occasions when it would be helpful if a recognized protocol were established.

I think in this instance it is a wise idea now to invite the minister to appear before us, and for him to take some advice from the members of this committee before final decisions are made.

I also want to kind of begin the process that there are a number of occasions when members could be helpful, in terms of what might be presented and how you would do that. I know, for example, on municipal councils we regularly took ideas from staff people on how to recognize people at given events, but it was the council which made the decision.

In this case, I think if there is some desire or some reason to alter what these plaques or recognition papers of any kind look like, fine. But I think there should be some input from the members on how that is done and some protocol developed on how they are presented and what they look like.

I think it would be wise now to invite the minister to come before the committee with these and other suggestions. These happen to have been on display downstairs for at least a couple of weeks. I noticed them down there. I was quite taken aback when I accidentally found out that they were going to change these and that no member to my knowledge had been consulted in any way, shape, or form about them. I do not like them. I have heard the rationale for why they have gone from something that people would hang on their walls to something that frankly to me looks a little on the cheap side.

I think it would be useful to have people bring this kind of an idea through this committee. I do not think we want to have arguments in the Legislature about what the plaques look like, but there is no other vehicle for doing it, so you have to raise it in there. It would be nice to get this kind of stuff so that there is general agreement and a committee of the Legislature advising people who are doing this stuff before changes are made.

Mr. Chairman: Two things. I know my own experience is what you people have had. I have received a lot of compliments on the former plaques on

behalf of the government over the years because people thought they really looked good.

The other thing is that I have gone to places where their 60th anniversary is being celebrated, or their 65th, and on the wall they have hanging the one they received five years or 10 years earlier. They really appreciated having it and they had it hanging on the wall.

With these new ones, they will be in some drawer or some other place. Nobody will ever see them two days after they have received them. That is what I am afraid of. With the other ones, they were hanging on the wall, and that is on more than one occasion. Frequently, I would see them there where they had the other anniversary plaque.

Mr. J. M. Johnson: Just on a similar note, a few weeks ago I had the privilege to present a plaque for the 25th anniversary of the Kinsmen club. The federal member was there as well and presented his plaque and scroll, which was just basically a piece of paper.

When they were taking a picture, the president of the Kinsmen club put my plaque behind and put the federal scroll in front. The picture was taken that way and then he took it off. I had a picture taken with it. Now that is what they thought of our plaque. They were very pleased with it and they always have been.

I too have shared that same result of going back and finding the plaque on the wall. If you are there for their 90th and then if possibly they survive to the 100th, they still have the plaque.

Mr. Faubert: Perhaps the problem is something that is identified by some of the members; that is how this really came about. Maybe we should ask the minister to tell us how, suddenly, this was changed.

First of all, we had discussions about this in the executive caucus. We cannot understand why they have just gone to a printed form, a typewritten form like that when the lettering has no relationship to the overall lettering of the form itself. With any wheel printer on a computer, you have a selection of type fonts that can do it.

Second, why was it arbitrarily changed from a framed, mounted plaque to a presentation folder? Who made the decision? I think that is what a number of members are really concerned about.

Mr. Chairman: The other thing I find about this thing is that the most important thing on that plaque when people receive it is their own name, and their own name is the smallest thing on there.

Mr. Breaugh: The one thing senior citizens could not read on that plaque is their own name.

Mr. Chairman: Yet that is the most important thing, as far as that plaque is concerned.

Mr. Faubert: The last thing—and I agree with Mr. Johnson totally on that—is that it is presented by the member on behalf of the government. For some reason, there was never any intention to put it on, and I do not know why.

It is my understanding that that was something that was sought very strongly by the opposition for a number of years. They agreed finally that they would do it that way, and then that decision was just erased like that. That is a very significant part of the presentation. If they are going to type this on, why can they not identify that, because that has to be done singly and manually in some form. Maybe there is some explanation and I believe it is right that it is before this committee.

Mr. Chairman: Mr. Breaugh suggested that we bring the minister before the committee. I think that would be an appropriate time to ask him that question.

Mr. Faubert: I do not want to embarrass the minister.

Mr. J. M. Johnson: I am not sure that the minister would have to appear before the committee, because he did make it sound that he was agreeable to accept changes.

Mr. Breaugh: He has agreed to come?

Mr. J. M. Johnson: I think that all that is necessary is to have possibly somebody from the scrolls section of the ministry, and for us to tell him what changes we would like to see brought in, and then for the section to design it along that basis and bring it back to us. In the meantime, each party should consult with its House leader and make damn sure they are all onside.

Just for a matter of information for the members, Mr. Chairman, perhaps we could read the letter we received from the ministry pertaining to some of the questions Mr. Faubert asked. OK?

Mr. Chairman: Yes.

Mr. J. M. Johnson: This is a letter dated April 26 to myself; it is from the minister.

"Thank you for your interest in the revised format of congratulatory scrolls.

I would like to share some of the reasons behind the change in format. This popular program caters mainly to senior citizens, many of whom reside in homes for the aged. As you are aware, the previous scrolls were mounted on a heavy wood frame which was cumbersome and could only be displayed on a wall. Feedback indicated that many recipients and family members requested scrolls that were easier to handle and could be displayed in a variety of ways. The new look incorporates these suggestions so recipients may get the most pleasure from the scrolls.

"The new folders can also better accommodate a personal message from the MPP. Each folder has space for a business card that could be used for a signature and best wishes. If the recipient requests your signature on the actual scroll, it can easily be removed and signed." They would never request it. "We are pleased with the revised format and invite you to our display."

On this there is space for a card, but a card is inappropriate unless it is specially designed. It is a temporary measure in the event that the minister has hundreds or thousands of these things printed. But we could go along with a designed card that would at least tie into the format of the

plaque, if they would accept the proposal for the 40th and 80th and stay with the better plaque, at least for the 50th and 90th.

Mr. Faubert: I would like to make one comment on that. I do not know the experience of whoever wrote that letter, but more than 90 per cent of the ones I have presented have been to people in their homes. It has not been to people in institutions. Are we suddenly saying that all seniors live in institutions? Most of them I have presented to have been in their homes.

Mr. J. M. Johnson: In 12 1/2 years, I have never had a single complaint and have had nothing but congratulations for them.

1610

Mr. Breagh: I have only presented about two or three thousand of these. I have never had anybody complain. Most people think it is the greatest thing since sliced bread. They all hang them all over the place and they love them. If someone infers that complaints are rolling in, I would like to know where these complaints are coming from because they are not coming from Oshawa.

Mr. Sterling: That is right. I think we should have the minister; I really do. I would want to know if those bureaucrats are buffaloing us because I think that is what happening.

Mr. Breagh: So is it agreed that we will invite the minister?

Mr. Sterling: Would you ask him also, in preparation, to have detailed costs and who the suppliers are of these materials, because I understood that the old plaques were made in correctional institutions. What is happening to that correctional institution which is losing that work now? Were we paying for them? If we were paying for them, is it just going to be a loss of revenue to the correctional institution?

Mr. Chairman: We will do that and we will supply the minister with a copy of Hansard today so that he knows essentially what has been said.

ORDER OF ONTARIO INVESTITURE CEREMONY

Mr. Chairman: The next item is the Order of Ontario. As Mr. Breagh and Mr. Sterling know, the Speaker came to me the other day and asked me about how the three parties might feel about having the Order of Ontario ceremony televised. Taking place next Monday is the presentation of the Order of Ontario, televised.

Last year when the presentation was made, it was made in the legislative chamber some time between 1:30 p.m. and three o'clock, and the regular business of the House was postponed until three in order to accommodate the presentation. This year the House leaders declined that and the Order of Ontario will be presented next Monday morning at 11 o'clock by the stairs in the main rotunda or foyer, whatever you want to call it.

The Speaker has asked, just as a courtesy, what the various parties thought about having this televised. So I am bringing it before the committee. Mr. Breagh and Mr. Sterling are already aware of it so they have an opportunity to respond to that at this time—actually having it televised on the parliamentary satellite network and making it available for all Ontarians to see.

Mr. Faubert: It seems that the Lieutenant Governor is the grandmaster of the order or whatever he is. Is that correct? He is is the one who makes the presentations?

Mr. Chairman: I would think he would be making them. I do not know exactly, but I presume he would be making them.

Mr. Faubert: What was the objection to using the legislative chamber when it is not normally in use, such as on a Friday or a morning when we are not sitting? What was the main objection to that? It seems that it solves a lot of problems for televising.

Mr. Chairman: I am not sure. I would presume if they had it on a Friday, they may not have many members here. They wanted to have it during a time when the members would be here. But they could maybe use the legislative chamber at 11 o'clock in the morning. I do not know. Does anybody know why?

Mr. Breaugh: You may recall that the chamber has been used for televising a couple of things. Objections were raised by me and others over the use of the chamber for things that traditionally were not done inside the chamber itself.

I know that those of us who come from different backgrounds might look at this in a different way. But I do not believe that the legislative chamber itself should be used for any kind of ceremony that somebody wants to have, however worth while it might be. I am not afraid to say that because I believe there are lots of other places around the building where one can run events of that nature quite appropriately, that are just as appropriate spots to do that.

I was somewhat concerned that the use of the chamber, the television facilities and the broadcast facilities is something that it is not like doing it on your back porch. I am concerned somewhat that there be a protocol developed for doing that. No one has done that. I am concerned somewhat that there are rules made up as you go along. That bothers me somewhat.

Frankly, I do not have an objection to the use of television facilities for this occasion. There are others in my party who do. The fact remains that none of us has had the opportunity to say anything about it in a formal way until now. This committee is supposedly in charge of television facilities on behalf of the members and I would have thought that we would have been consulted prior to this.

I know that some will argue that the Speaker is in charge of it and in a sense he is, but this is quite a substantive and different use of both the television network, the crew facilities and everything else. I think this is one of those things that should have been brought through this committee. It is a little tough when the ceremony is next Monday to do much more than say yes or no, but I would like us to take a somewhat broader look at that.

To give you a little larger picture, I am concerned that we do not have an agreed-upon protocol for doing these things, and so there is always some kind of questioning whether somebody is taking political advantage. I have to admit that if the Premier sets up shop in the chamber itself and the Legislative Assembly covers the cost of televising this all around Ontario, we are giving the Premier quite a neat piece of exposure.

I am not denying for a moment that the Premier is the head of government here, but I think the better ground is to say that the Legislative Assembly sponsors such events. We simply develop a little protocol which sees that all three parties are represented, we agree upon how that should be done and we ask the protocol officer in to kind of lay down some little guidelines for this kind of stuff. Then I think we will have something which is quite acceptable to everyone.

I am concerned that this is done one event by one event, that sometimes the opposition members are acknowledged and sometimes they are not. Sometimes the ordinary members are acknowledged and sometimes they are ignored. I just think it should not continue this way for very much longer.

My position is that I would like to see us invite the protocol officer in, develop a little way of doing these things, make some decisions about what is appropriate to do in the chamber, where else we might do such presentations, which ones might be televised and how we would go about that.

I just think a little order should be put into this process.

Mr. Sterling: Both Mr. Breaugh and I have raised the point in the legislative chamber about the use of the legislative chamber and the television network.

Our party is very much adamantly opposed to the use of television of the Legislature for televising this event this coming week, and for two reasons. The first is for the reasons Mr. Breaugh outlines. The whole idea of television in its original inception was for an electronic Hansard of this place, to allow the people of Ontario to see how the Legislative Assembly of Ontario operates. It was not intended to be a government communications link with the people of Ontario.

Number two, and I say this with more anger in terms of my reasoning, is that I suspect very much that the reason we are getting the request at this late date is to put us, as an opposition party, in the position of being the people who have to say no to a very important ceremony. Notwithstanding that kind of pressure, we are going to say no this time through because we have expressed in the past our objection to this use. We are not only not being informed, but to date, we have not been informed of what is the process or what is going to take place with regard to this.

1620

Evidently, our objections which went before, have been relatively unheeded. They have not come to us in a reasonable period of time and said, "Here is what is going to happen. Would you agree to this?" They have put us in the position of being behind the eight ball with regard to being the bad guys in all of this kind of thing.

Quite frankly, we are going to be the bad guys this time through because we just think that is the only way we are going to get anything done in terms of dealing with the issue. So that is where we stand right now.

Mr. Faubert: Both the answers, and I respect the answers in the context in which they were given, are fine.

I also, by the way, concur that there should be some protocol established. There should be a clearly understood one so that everyone has an understanding, and that the roles are defined within it and we all can say yes or no to it. Protocol to me, especially on events such as this, which is a major protocol event in the province, is important. I can see why you have said no to the legislative chamber, to make the point.

The other thing is, I wonder if we will cause a problem if it is on the grand staircase or wherever. Everything else, all the television can be put in place and the audience can be set up. There is no logistical problem with holding it there, is there?

Mr. Chairman: I do not see a problem being caused by it. They have had other ceremonies there, as you know, from time to time at noon. The only difference now would be that they would televise it, if they had it in the main foyer, the main rotunda there.

Mr. Faubert: It is one of the interesting things that while we are talking, too, about the refurbishing or the renovation of this place, that we should have some kind of a ceremonial hall for things.

I am not a long-serving member of this Legislature, as you know, but on principle I can see the tradition of that being the legislative chamber, that it should be exclusively used for that. Beyond that, if you have ceremonies such as this, you should have a defined space in which to carry them out as they do in Ottawa.

Mr. Chairman: I think most of us, but not all of us, would share Mr. Breagh's comments on that, that you should not just be using the legislative chamber for all kinds of other events and thereby, in a sense, make it almost like a town hall meeting or whatever you may do with it.

Mr. McClelland: I was actually going to excuse myself for a moment, but I will keep my comments very brief. I think you might have picked up, Mr. Faubert, on some of the comments that I had.

I think I understand where Mr. Sterling and Mr. Breagh are coming from. It seems to me that this was not a particularly partisan event that was giving exposure to the Premier as anything other than the leader of Ontario, as Mr. Breagh alluded to. I do not for a moment consider the awarding of the order to be partisan in nature. I think it is more of an honour and a recognition for the recipients.

That is the focus that I saw, bringing recognition to the people who are receiving the award, with that as the main thrust and focus of it. Although I am sympathetic and I understand, I think, why my friends have raised the issue, I do not find it to be particularly offensive. But I can understand clearly why they feel otherwise.

Mr. Breagh: Could I just respond briefly to that because I think that is an important point.

What I am trying to say, and I think what Mr. Sterling is trying to say too, is we do not want to squabble about this. It is not the kind of thing we want to ask questions in question period about or get political about. We have raised our concerns in the past.

We would simply like to agree upon a format, a way of doing these things that does not leave itself open to anything like that, so that we have all agreed that this is the way to do it. Here is the protocol that is involved in it, here is where we will do it and get all of that done so there is no squabbling about it. We do not want to raise questions during question period about an event like this.

Mr. McClelland: That is fine.

Mrs. LeBourdais: I agree generally with what you are saying, that yes, there should be a specific protocol. I think there is something to be said for keeping the chamber as the legislative body so that there is that sort of special mystique or aura that goes with that room. I can understand that.

Mr. Sterling, I guess I take slight offence, even as a new member rather than a long-standing member, about the politicization of this. Yes, we are the party in power now. We have not always been. We were in your position on many instances before. I can recall a few years ago—I do not know if it was a sesquicentennial or a bicentennial which did not jibe all that well with the history books, but we put it on and we did a big show and we celebrated.

Mr. Breaugh: And your party raised all the objections we are raising now.

Mrs. LeBourdais: I was not here at the time, but anyway, I also participated in the celebrations, so the idea was OK.

I do not think we have to see Monday's event as that. I know it is short notice to get protocol there. I personally would be in favour of televising it. I do not see it as the Premier's day. I see it as the Lieutenant Governor's day and the particular recipients' day. I do not think the cameras will be zooming in on the Premier per se. Not having attended one of those presentations before, I assume it is the Lieutenant Governor who hands out the medal or scroll or whatever, rather than the Premier.

Mr. Breaugh: There will be one other guy standing right beside him throughout the whole thing.

Mrs. LeBourdais: Perhaps your day will come.

Mr. Sterling: I could not agree more with Mr. McClelland. It should be a nonpartisan event. If it is a nonpartisan event, then Mr. Brandt and Mr. Rae should be standing right beside Lincoln Alexander as well or there should be some kind of agreement as to what their participation should be in it. But you cannot use moneys that are spent by the Legislative Assembly to tout, if you want to put it in the very crassest terms, the Premier of the province.

Mrs. LeBourdais: You are the one who is saying that is being done. I am saying I do not feel that is the case.

Mr. Sterling: You may feel that way. All I am saying is he will have exposure to thousands and thousands of Ontarians across Ontario as being the good guy, and that is favourable to his public image.

Mr. Faubert: Ah, but he is.

Mr. Sterling: I thought you might say that.

Mrs. LeBourdais: Just as other good guys before him have had their exposure.

Mr. Sterling: No. Other good guys before never had a television network to work with.

Mr. Breaugh: There have not been any good guys running Ontario yet.

Mr. Sterling: Nor did we, as other good guys, ever use the legislative chamber to hand out any medals before.

Mrs. LeBourdais: I am not wearing blue today because it is Tory blue; it is just blue. The fact that I am not in red is not a statement against my party.

Mr. Breaugh: Yes, it is. We have turned you in already.

Mrs. LeBourdais: I think you can go a step too far in trying to—I have red shoes.

Miss Nicholas: There is not much left to be said, except I do agree that there may be a time where there may be occasion other than a sitting in the House when the Legislative Assembly should be used. Although the Order of Canada is probably the most prestigious award we can bestow on any of our citizens, I do not believe the Legislative Assembly need be used.

I think that if it can be filmed on the front stairs, where I have seen very effective ceremonies being held, where everybody can attend and not necessarily be limited by tickets and numbers—a problem we have with so many functions that we do have in the Legislative Assembly—then I think by all means it should be filmed there.

With regard to the protocol, I certainly believe the leaders of all parties should be there on the platform or in some way participating, but I think we should always remember that there is one Premier of this province and we should always think of that. We have one Prime Minister and we have one Premier of Ontario and I do not think we should ever lose sight of that during any one time.

I received a scroll from the former Premier—well, a couple of premiers ago; I guess there was one in between—and I held that occasion to be very special at the time. I think all people do. I think people in some way want to see the leaders of the parties but, in particular, would like to see the Premier of Ontario. I think we should not take it away from the Lieutenant-Governor, who is giving this award and presumably is a nonpartisan appointment or representative.

In summary, I agree with trying to endeavour to find some way of filming it. I think it is an important occasion and perhaps one of the most important occasions or ceremonies that we do have throughout the year, and however we can facilitate that, I think we should endeavour to do that.

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Mr. Breaugh: The answers are so simple that I do not even know why we are arguing about this. If you put the representatives of the three political parties that are in the assembly on the platform, the Premier will do

his job very well and so will the Lieutenant Governor, and no one will object to it. This is just silliness. Two kids in a grade 8 class could put this thing together so that no one would possibly be offended by it. We would all think it is great and we would all think it is appropriate to televise that all over the world. Why did someone not do that?

Mr. Sterling: Yes. It is your guys who did not do it; that is the problem. My leader does not even know what is happening in terms of the whole program. He has not been consulted, has not been talked to, and the only way we are going to get action is to be stick in the mud. It is too bad, it really is, but every so often you have got to let the shoe drop.

Miss Nicholas: I just do not remember opposition leader Mr. Smith being side by side with Premier Davis when I received my award, so perhaps that is the point I am trying to make. I do not object to everyone being up there, but it is a change from previous policy of previous ceremonies.

Mr. Sterling: But, Miss Nicholas, there is a significant difference between what happened to you and what they are asking for here. In that particular circumstance, it took place on the same steps as it is going to happen with the Order of Ontario. So go ahead, do it, but do not ask the Legislative Assembly, through its kindness, to pay for the televising of it. If you want to use the Legislative Assembly in a nonpartisan way, then make the event nonpartisan, or make some effort even to do it.

Mr. Chairman: We have this before us. We have a request from the Speaker to deal with this matter, to get some kind of response. He is just doing some soundings on it. As you can appreciate, and as I mentioned earlier before some of you came in, this matter was drawn to our attention by Mr. Sterling and Mr. Breaugh earlier. Anyway, we could now have a motion to go ahead; we could have a motion not to go ahead; we could just table it. I think that Mr. Breaugh's suggestion of developing some kind of protocol for these kinds of events would be helpful. We could put that on the agenda, discuss it some time in the future and get some information on the various events that are held here, then on the kinds of events that might be televised and go from there.

Mr. Breaugh: Do you want some cheap advice? Let us solve this problem very simply. We can put it on the record here. This problem gets resolved by extending two invitations to two other people to sit on the platform, period. Then I think we ought to move on to develop some protocol which is to be used in future events so that we do not have this kind of argument.

If the government chooses to do that, any objections that I might have to televising the event are withdrawn. If the government chooses not to do that, proceed as we have every other year when these medals have been awarded and there will be no difference from any other year; it will be done in exactly the same way in exactly the same place. If they want to televise the proceedings without any rancour, all they have to do is invite two other people to sit on the platform with the Premier. It is as simple as that.

Mr. Chairman: Specifically, one from each of the other two parties?

Mr. Breaugh: Yes.

Mr. J. M. Johnson: That sounds quite reasonable.

Mr. Chairman: That is a suggestion; I am not sure that is a motion, but it is a suggestion and we could—

Mr. Breaugh: To tell you the truth, I do not really want to see a motion on this. I would hate to see the government put a motion and carry it, because then it would put an obligation on me to continue this battle in other quarters, and I would rather not do that. I do not want to put a motion that fails either, because then I would have to continue the battle. Seemingly, this is one of those occasions when the Speaker would be well advised to heed the words of some of the members and proceed with some common sense.

Mr. Chairman: Why do we not proceed on that basis? I will convey the views of various members to the Speaker on this, particularly as represented by the three different parties. There seem to be two or three different views presented here. I will convey those to the Speaker and he can do as they want to do.

Mr. Breaugh: Mr. Johnson, how did you get your medal?

Mr. Sterling: Was that on state-run television?

Mr. Chairman: Boy, are they not jealous? I can just see it. Anyway, any other new business? If there is no further business, just before we go, next week the subcommittee will sit in order to deal with interviewing the executive director of assembly services. Unless there is something urgent that comes up that we have to sit next week, we will not be sitting next week, but we will be sitting two weeks from today.

The committee adjourned at 4:36 p.m.

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Government
Publication

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CONGRATULATORY SCROLLS
SIMULTANEOUS INTERPRETATION

WEDNESDAY, MAY 25, 1988



STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)

Breaugh, Michael J. (Oshawa NDP)

Cordiano, Joseph (Lawrence L)

Faubert, Frank (Scarborough-Ellesmere L)

Johnson, Jack (Wellington PC)

McClelland, Carman (Brampton North L)

Polsinelli, Claudio (Yorkview L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

Swart, Mel (Welland-Thorold NDP)

Substitution:

Elliot, R. Walter (Halton North L) for Mr. Polsinelli

Clerk: Forsyth, Smirle

Staff:

Bedford, David, Research Officer, Legislative Research Service

Witnesses:

From the Office of the Assembly:

Morris, Linda, Manager, Parliamentary Public Relations Office

From the Ministry of Government Services:

Patten, Hon. Richard, Minister of Government Services (Ottawa Centre L)

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, May 25, 1988

The committee met at 4:12 p.m. in room 151.

CONGRATULATORY SCROLLS
(continued)

Mr. Chairman: I call the committee to order. Everyone has a copy of the agenda, I am sure. If not, please let the clerk know and he will be glad to provide you with one.

There are four items on the agenda and we will start with item 1. We are pleased to have the Minister of Government Services (Mr. Patten) with us. With him are two gentlemen who work with him in the ministry: the acting deputy minister, Joe Silver, who is the executive director of the finance and administrative services division; and Alan Leslie, to the minister's right, who is the director of the general services branch, supply and services division.

Welcome to the meeting today, gentlemen. Someone else is going to join us a little later, but we will introduce her at that time. I guess she will come a little later.

As you know, the item has to do with the plaques and scrolls for special occasions. Minister, do you have a statement on that or comments that you wish to make at this time?

Hon. Mr. Patten: Yes. This is my second time meeting with this committee. Thank you for the invitation.

To introduce this, some of you may be aware that for the past number of years there have been some requests for some changes to the format of the scrolls. One of the biggest complaints of all has been really the weight of them, which affects handling and mailing—they would not be accepted in some cases—unscrewing them to type in members' names etc., and just the very weight for elders. There were other issues, as well, related to some of these which I will get into a little later.

Just to review, last February 29 a letter was sent out to all members noting some of the changes that were being examined at that time. In the third week of April, I sent a letter to all members explaining the changes and inviting members to look at the display downstairs outside the dining hall. Last week, each of the whips' offices, in fact, the chair of each caucus, received a complete set of these scrolls and certificates for circulation within each caucus for feedback.

I come here today with the same sort of hope and expectation that you have some feedback for us. I will acknowledge that, in fact, one of the steps that had not been taken was to thoroughly canvass the members for their reaction to this. In seeking feedback from each of the caucuses, this would formulate the basis of some review and revision of the documents.

My recommendation would be that we try to gather that feedback through

the chair of each caucus, if we can, by June 30. That would give us a basis for considering those recommendations and putting together a specific proposal which we would then present back to you.

Considering that, perhaps we could be somewhat cost conscious. There are costs to some of these, and we have at present about a three-month to six-month supply of some of these documents. Over the course of any one year, about 13,000 of these documents are sent out. I would ask that people might consider the usage of the present forms, making the assumption that there would be some modifications with the new set.

Having said that, I am open to any questions, suggestions or feedback.

I would like to introduce the director of the official documents office, Pat Simiana, who has just joined us, here on my right, who works with these documents on a daily basis.

Mr. J. M. Johnson: I have a paper here, a proposal. If any member wishes a copy, I would present it.

I am your critic, as you know, Minister, so that is why I am involved. Our caucus did go over the proposals on Tuesday. We agreed that this would be quite satisfactory to our caucus so, when I leave this with you, it is our input for you.

Hon. Mr. Patten: You asked for a fact sheet. I have a basic fact sheet for you, if I can distribute it.

Mr. J. M. Johnson: First of all, I would like to suggest that if you do have any stock, by all means use it. There is no point in being wasteful.

Second, I accept the fact that the heavy wooden scroll we used in the past is maybe obsolete and our caucus would be quite satisfied with the new metallic one.

I would like to make a couple of suggestions. If you look at my proposals, proposal 1 suggests that the name of the recipient and event is much too small in relation to the heavy printing on the plaque. I do not know how you can alleviate it without, at some point in time, making a smaller scroll, but you certainly should highlight the name of the individual, the recipient, and the event more so than that.

Hon. Mr. Patten: Could I just comment on that? There is a new machine, a laser printer, which acknowledges that. That was a temporary kind of printing mechanism. There is a new laser machine which would be able to print far bolder to address that problem. I agree with you on that.

Mr. J. M. Johnson: Okay, that was one suggestion.

In the back of the folder you have an insert where the member can slip in his name card. I had some cards made up that said: "Congratulations. Best Wishes, Jack Johnson, MPP, Wellington." The problem is that when the scrolls are sent out by courier from your office, or the office of protocol or whatever, sometimes they do not arrive in the member's office. Sometimes they are not ordered that way. We do not have the opportunity to insert the cards.

I would suggest that the members could have cards made up and sent over to your office, the scrolls' department office, and the cards could be

inserted when the forms are made up. It will take a little longer, but it is a lot less expensive to the government than having the scrolls sent to the constituency office by courier, opened up, the card put in, and then sent out again. That was another item.

Item 3 is that plastic folders are not bad, but they certainly are not comparable to the metallic ones. I would accept the fact that we can use these, and certainly whatever numbers you have you should use them up, but in the future if we use this type of plaque for the 40th anniversary and 80th birthday, it will be quite satisfactory, and for Girl Guides and Boy Scouts or something of this nature. But surely, for the 90th birthday and the 50th anniversary we should go for the better scroll because it is something that usually happens only once. Very few people are around for a 55th or 60th anniversary, so let us make that a special one.

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The name of the recipient's MPP should be imprinted on the face of the scroll, both this one and the other, just simply, "Presented by Jack Johnson, MPP, Wellington." That is the way it has been for many years, and I see no reason that we should change it. I think those are all the suggestions I have, but considered this the input from our caucus.

Mr. Chairman: Do you wish to respond to that?

Hon. Mr. Patten: Just to say that my understanding was that that tradition would continue. My understanding is that about 40 per cent of requests were not for that, and that is why the document begins blank. If it is requested or appropriate, then it can be typed in on the bottom. That can continue.

Mr. Breaugh: This does seem like a long, involved process for a relatively straightforward task, but I think some of the concerns that Jack has raised are pretty valid. I am not enthralled with the product as we finalized it here, but I do not think the world will fall if this goes out for a while.

I think the purpose of the exercise is to honour a person, and so that person's name or that couple's name should be the prominent thing on the document. Whether you want to do that by means of colour or print or whatever, they should be able to see that they are being honoured by the government of Ontario and that should be the first impact. That would be my priority.

The second thing is that it is in most cases presented by the local member, and in some way—this sounds a bit strange—Jack Johnson in Wellington may be more significant than David Peterson. Not to diminish the role of Premier at all, but Jack may be somebody they actually know and they get all excited when Jack shows up at their 50th anniversary party, and so I think there needs to be some balancing there.

One other thing concerned me just a little bit about the new style that you have. I tend to agree that the old one was a little bit cumbersome. As one who has lugged a few thousand of those things around to various homes, I would like you to make them a bit lighter or my arms a bit stronger. The other thing that occurred to me is, what use do people make of these afterwards? I have a number of scrolls like that that are in clubhouses and organization rooms all across the city. Your little plastic job is going to be just swell in the nursing home on the dressing bureau. It is not going to look like very much on

the wall of the Canadian Auto Workers Local 222 hall, so I think there is a need to make the distinction between how the plaque is used, whether it is presented to an individual who may want use that in a very small room—maybe it is illegal in that nursing home to put it on the wall—as opposed to ones which might well find their way into a trophy case somewhere, in which case I must say the presentation made by the government of Ontario is going to look pretty awful compared to the presentation that is made by another group. I think you should be mindful of the end use of the scroll itself.

It seems to me that there are a lot of people who are doing very nice things with plastics these days and with lighter types of wood. Maybe the only problem is that the type of backing that was used on the scroll has not been changed in a long, long time and it is a little out of date. Maybe you could consider some other options. This is silly, I know, but I am a little reluctant, frankly, to see that Correctional Services is losing a bit of work here. I have seen people in correctional institutions making this kind of stuff. It seems to me it was quite a useful thing for them to do and that they took some pride in it, and I frankly do not know why you do not just redesign it or see if some other technology can be used.

I would be interested in seeing if you could just kind of address the basics in it, of how the scroll will be used after it is presented, and I think the problem we have here is that it will probably be used in a multitude of ways. Some people will want them as personal documents that they keep, as they would a letter from someone. Most of the ones that I have given out over the years are probably hanging on a wall somewhere, whether that is in an organization's hall or what.

Frankly, to tell you the truth, I would feel a little embarrassed walking into several organizations that I have presented scrolls to before and handing them a little piece of plastic when I know that the mayor of the city of Oshawa is going to come in with a very classy wooden scroll inscribed in brass. Ours is going to look very chintzy. I am not advocating that you spend a whole lot of money, but I do think there are alternatives to the ones you have presented to us that should be considered.

Hon. Mr. Patten: I agree, by the way, and I think in the situation you are referring to, it would still be a framed document. In other words, that would not be the plastic one. The plastic ones have to do with anniversaries, weddings, birthdays, that sort of thing for individuals. But if you were presenting something to an organization or to the head of an organization for some event, some special occasion, it would be a framed document of this nature here, which I think is a little more appropriate than just the plastic folder, because it may be put on a wall of an organization or in a trophy case or something of that nature.

Mr. Breaugh: One of the things that people always liked about the provincial scrolls is that they were already framed. For a number of senior citizens, for example, you pose quite a little series of problems when you hand them a piece of paper that does not look like much by itself but they have to go and get it framed, which is a trip out and a little bit of an expenditure, and some are not quite sure whether they should do that.

I know that this all sounds very silly to people who have a good paycheque in their pocket, but to somebody who is worried about whether it is going to be \$3 or \$5 they spend this way, they are a little reluctant to spend \$5 for a frame. They have always liked the idea that we present them with something that is ready to be put up on the wall and that is a very attractive

notion for them. Whether you can accommodate all of that without getting atrociously expensive or not, I do not know but I wish you would try.

Mr. Chairman: The other point, of course, that I have heard made is that if it is a silver wedding anniversary, maybe have some silver on it, or if it is a golden wedding anniversary, have some gold on it. You could kind of indicate by the colour what kind of anniversary it is.

Hon. Mr. Patten: I wonder if I could just distribute this. It will show that for special events, the black frame is for up to, say, 25 years, the silver frame is anniversaries, organizations over 25 years, and then the gold frame is really special occasions: Order of Ontario, 50-year event, that sort of thing. So there is a gradation to the framing of black, silver and gold.

Mr. Chairman: It kind of follows the colour of your hair, as you get older.

Hon. Mr. Patten: Except that it does not get gold.

Mrs. Sullivan: I concur with the remarks made by the previous two speakers in relationship to recommended changes to the scroll. I believe the name of the recipient is significant and that it should receive more prominence both in typography and in size in relationship to the rest of the printwork on the scroll. That would apply whether it was an individual or an organization who was the recipient of the scroll.

Additionally, I believe that for those scrolls that are being presented by members of the Legislature, it is significant that their names be on the face of it. I also recognize and believe that probably half the scrolls that are presented are not presented through the legislative representative. I think in some way we have to take that into account and however you work that out would be appropriate. There may be a Tory in my riding who would prefer not to have my name on a particular scroll on the 40th anniversary. I cannot imagine who. Maybe one or two.

Alberta uses these, but one of the things they have done in their recognition certificates is to have them vertically. That works much better in terms of the display say on a piano or a mantle or whatever, than having it vertical. Indeed, as well, if it is displayed this way, a member's card can be displayed there, the two are a piece and can work side by side, and I would make that recommendation in terms of the design of the material.

Hon. Mr. Patten: Someone else has made that suggestion as well, and we might consider that. That is, if it were vertical, then it could be a nice letter from the member.

Mrs. Sullivan: That is right.

1630

Hon. Mr. Patten: Which could be prominently displayed as well. If the recipient is happy with that, it stays like this; if the recipient says, "I just want the Premier," then they—

Mrs. Sullivan: That is right.

Mr. Chairman: Or if they just want the member.

Interjections.

Mr. Breaugh: Atta boy, Herb.

Mr. Chairman: I was just thinking about what Barbara was saying.

Interjections.

Mr. Chairman: Strike that from the record will you.

Mrs. Sullivan: I appreciate the fact that you are here now. I regret the fact that this discussion did not occur some time ago.

Mr. Elliot: I was wondering about the size of the green folder there. Will the metric paper go in that if it is vertical as opposed to horizontal? The problem I have been having with this is that I have been getting letters from the Premier, that type of thing, and I have been getting my own folders. The letters are on metric paper but the folders you buy from framing studios are not metric so they do not quite fit. I was just wondering if that has been resolved in these folders here.

Mr. J. M. Johnson: Am I to understand that the name of the member who is presenting the plaque will now appear at the bottom of the scroll, as of tomorrow?

Hon. Mr. Patten: Sure.

Mr. J. M. Johnson: And these cards will be inserted if sent over to your office?

Hon. Mr. Patten: For these?

Mr. J. M. Johnson: Yes.

Hon. Mr. Patten: I am not sure what the answer is. The problem is that there are only two working on this scheme, so we will work that out.

Mr. J. M. Johnson: All right, give that some consideration. But, regardless, on both types of plaques, the member's name will appear across the bottom?

Hon. Mr. Patten: Yes.

Mr. J. M. Johnson: Would it be possible that you could advise all the members in the very near future about the proposed changes that you contemplate? Maybe some members would wish not to have their names placed on it, or they have some other type of print they would like to use, or whatever reason. There might be some who would prefer to have it the way it is, but I for one would prefer to revert back to the system we had before. But at least you would give the members that option.

Hon. Mr. Patten: Yes.

Mr. J. M. Johnson: Is that OK? Thank you.

Mr. Chairman: No further questions? Minister, gentlemen, ladies, thank you very much for appearing before the committee. I presume some time after June 30 you will be reporting back to us, Minister. Then we will be able to get the final recommendations. We look forward to that. Thank you.

SIMULTANEOUS INTERPRETATION

Mr. Chairman: The next item on the agenda is interpretation facilities for committees. Members will recall that back in March, I think it was, we discussed this matter and we wrote to the chairman of the Ontario French Language Services Commission to request that he advise the committee of the obligations imposed by the French Language Services Act, 1986, on the Legislature, with respect to both the provision of services in French and English when standing and select committees meet in the Legislature and in various locations in the province, and secondly, advertisements giving notice of committee meetings.

The committee discussed a number of matters at that particular time, including a portable interpretation unit, which we considered might be purchased. This would be in addition to the facilities, of course, that we have in this room.

We have with us today Linda Morris. Would you come forward, please? I am sure all of you have met Linda on previous occasions. I am sure she can help us with coming to some determination as to what we want to do. I guess the question to be determined today is whether the committee wishes to recommend to the Speaker that a portable interpretation unit be purchased for use when required in the various committee rooms in the Legislative Building.

Of course, the other issue relates to the future requirement under the French Language Services Act, 1986, for the provision of services in French to persons dealing with an institution of the Legislature. The Ontario French Language Services Commission has responded that the Legislature "can meet its obligations...if all members of the standing or select committee are able to understand testimony given in French. If not, simultaneous interpretation services should be provided." I guess we are going to have to do this by November 18, 1989.

Linda, do you want to add anything to that as far as the questions that are facing the committee and, second, some of the solutions or alternatives that we have?

Ms. Morris: OK. First, since our letter, I have met with the Office of Francophone Affairs on several occasions and discussed several items, including this. It would seem fairly clear from the act that if you are holding a public meeting, then simultaneous interpretation should be available so that if a witness wishes to speak in French, that person will be able to do so and you will be able to understand, and vice versa. I think that stands fairly clearly. We have five rooms. One of them is now equipped, as we can see right now, and four others are not.

I think one of the issues is what are we going to do with the rooms in general, first of all. I am not sure where we are going in terms of renovations, but if we were to put in a booth like that, that is a fairly major architectural change to rooms that I think are still under consideration. So what we did was make some quick calls, plus consult with the Ministry of Government Services, to see what we are looking at for portables. Short of doing a tender, because that would have to go through supply and services, we are looking at the purchase of a booth about eight by eight or eight by 10, depending again on what we bought and from which company. You are looking at a starting price of around \$20,000, and can go up as high as \$33,000 or \$34,000.

Again, it depends on what we request for the room, but that is the general cost. In contrast, if we wanted to rent—and the clerk and I discussed sort of how many weeks we would be requiring a machine and the equipment to go with it—you are looking at a first day of \$625 or thereabouts, depending on the going price, and a subsequent price of somewhere from \$300 to \$400 a day, depending on the negotiations. So if a room was to run 46 weeks a years, you are looking in the \$70,000 and \$80,000 range to rent the same equipment that you could buy for between \$20,000 and \$35,000. Again, it varies by company, but that is the idea of it. I have quotes anywhere from \$600 to \$700 for the first day and from \$325 to about \$425 subsequently.

Mr. Chairman: When you are talking about renting the equipment, is there manpower associated with that or is it strictly the hardware?

Ms. Morris: There would be manpower associated with that and that is included in the price, because the companies would insist on teching their own equipment; whereas if we were to purchase, I have a feeling that probably Bill's area, through Hansard, could tech the equipment on site.

Mr. Chairman: I am told that the bells are ringing and we are going to have second reading of Bill 116 in about five minutes. Members will want to vote on that bill. We will adjourn for whatever time is necessary to go up there, vote and come back here. We will start after that.

The committee recessed at 4:40 p.m.

1702

Mr. Chairman: We will resume now. I trust there will not be another vote between now and the time we adjourn, Linda Morris, do you want to continue please?

Ms. Morris: I will just reiterate from the top what I have said, that is, that it would seem very clear from the French Language Services Act that if you hold public meetings, we are expected to provide interpretation or the ability to allow the citizen to communicate freely with us. In that line, that means simultaneous interpretation and, to date, we have it in this room and this room also is broadcast, so that allows citizens to hear us, not only those coming here to speak but those who may watch on the repeats or the open sessions when the House is not sitting.

That brings us to the other four committee rooms where, again, we are holding public meetings, we are inviting people to come in and present and therefore to listen to the give and take. So short of, as they mentioned here, that everyone should understand French, I think the next move will be simultaneous interpretation.

What I did was start to look very generally at what the costs would be and what would be perhaps the best option for us.

The first option is having committee rooms that are totally prepared, such as this one, for simultaneous interpretation. My first thought was, I am just not sure what the future is of our committee rooms, whether they will be these rooms or other rooms, and there is a fair amount of cost involved in putting a room in like this that will match the decor and have all the equipment. That would require not only a feasibility study but some decision on the assembly's part as to the future of our committee rooms.

So I went the next step, which is to find out what it would cost for portables. At that point, depending on the configuration that we would choose—and I assume we would want something that was as flexible as possible so it could be moved from room to room—we are looking at somewhere from \$20,000 to \$35,000. That would include the peripheral equipment, a few listening devices that could be transported around, and the transmission equipment as well.

On the other hand, rental starts at \$625 a day up to \$720 a day and usually you can negotiate a lower price after that for subsequent use, and that seems to be going anywhere from \$300 to \$500 or more, depending again on negotiations. Smirle and I discussed how many weeks a year a committee room could be used and you are looking anywhere from \$1,700 to \$2,200 for a four-day working week for the committee room. Multiplying that by about 46 weeks a year, you are looking at anywhere from \$78,000 to over \$100,000 for the rental.

With the rental would come, of course, all the equipment necessary plus a tech. If we did look at purchasing equipment, I think we could tech it ourselves through our Hansard group and our broadcast group because it is fairly straightforward stuff, but you need someone to tend the equipment and make sure that everything is being broadcast effectively, so that they can hear in the booth and that you can hear in return.

The booths themselves, again depending on which kind of booth you get, can take up to seven by eight to eight by eight. Actually, there is even a larger booth, a 10 by eight. We are recommending about an eight by eight so that there is enough space for the interpreters and for materials they may require.

That is the basic background on the equipment. As I said, if you decide to go ahead, first, we would have to go to the Board of Internal Economy for funding, and second, supply and services would have to do a tender so that we could write up the specs and have a competition to determine who would provide the equipment, ultimately, at the best price.

I am hoping, with the concept of using a portable, that this equipment could be moved around from committee room to committee room, and when we advertise and therefore bring in witnesses, they could identify that to us. Hopefully, we could move the equipment around. I realize this may mean that other committees may ask for the same service and we may need more equipment. But my suggestion would be, initially anyway, to get us up to speed for next November—which is not that far away; less than a year and a half—that we do look at one portable booth.

On the staffing side, as I mentioned at the last meeting, I have seven permanent positions within my unit for simultaneous interpretation. Two years ago, when we opened the unit, I filled four of those positions. We decided it would be cheaper for the assembly if we looked at some freelancers after that to fill in when we need them in committees.

I am glad to say that we did proceed that way because it has saved the assembly quite a bit of money. Instead of having seven full-time people not always fully employed and therefore seven full-time salaries, basically what we have spent over the last two years out of those three remaining salaries is about one full-time salary, so we are doing quite well.

If we were to go with one more booth, I would not require any additional staff money at this time because I would just fill some more positions.

I want to add that there are not a lot of interpreters available to us. We had to really look hard and long to find the four we have, and I am pleased with them. I better say the right things since one of my staff is listening. I have to watch out for that.

We would like to proceed as soon as we could, if the committee decides that it wants to take that route, because it may take us a while to find the appropriate people. There are only about 12 freelancers in the city who are accredited who we call on, so again there is a very short supply at this point.

That is the sort of downside to it, that it may take us a little while to staff it up. The good side is that I would not have to go to the board for any more money for staff. We would, obviously, have to look at equipment money.

There are several other issues related to this, but maybe I will deal just with this issue which is the committee rooms and how we might prepare them for November 1989. I feel probably your first move would be to look at a booth at this point, until a decision is made about the committee rooms in general.

Mr. Breaugh: I just wanted to say a few words in support of the general recommendation. I suppose in the time that I have been here we have come a long way. I remember when I was first here I never really did understand that although it was okay to speak in French there was absolutely no facility to do any kind of interpretation at all. It often occurred to me that people who chaired meetings, the Speaker in particular, if they were not francophones, they had no idea of what was being said.

I think we have the basics covered. It is now a question of how we proceed to implement the rest of it. It seems to me that the first thing is that the process of hiring both equipment and staff from outside is at best an awkward one. As one who has had to do that on a number of occasions, I do not think any of us has been very happy with it. It is the best available, unless you want to do something on your own, but it certainly does cause some problems.

I think it is wise to get the portable equipment now and to proceed along those lines. I do not think, frankly, you can go much further than that at this point. The assembly itself is in transition from being a building that was run by one of the ministries, by and large, to one which is going to take over its own responsibilities and set up shop. Part of that will be the renovation and restoration of the building.

One obvious area that has to be addressed pretty quickly is that in most committee rooms, unlike this one, we are not really set up to do very much more than hold an old-fashioned meeting. There is a need to upgrade there, and whatever might be done in those rooms has to be co-ordinated with an overall restoration plan.

I think the best we can do for now is to go for the option of portable equipment, get the best we can, and not hire a lot of extra staff but develop that standby pool. I do not see that much more can be done until we have an overall restoration plan for the building under way. It seems to me that would be adequate to our needs.

Perhaps other members could chip in on this, on their version of whether we are meeting this goal or not, but it seems to me that we are; that any group which wanted to make a presentation in either French or English could do

so, that with a little bit of notice we could accommodate them. I do not know if we have exactly state-of-the-art stuff, but I think it is adequate to the task. We had a few little problems with transmitters initially, but we seem to have rectified that.

I am quite happy with the progress that has been made to date in that regard and happy with the recommendation that we go for the portable equipment.

COMMITTEE ADVERTISING

Mr. Breagh: There are a couple of other things which still bother me a bit and they have to do with advertising, particularly in terms of notice. I know that all committees struggle with this, about whether there is any actual requirement for them to publish in English and French and what should be the range of that publication.

For example, I am aware that one of committees now has apparently decided that it ought to notify the people in Ontario that the committee is having hearings but the people in Ontario cannot come to those hearings. It seems a little silly to me that the committee felt that somehow that met its obligations to publish notice that it was hearing a bill and that it would include in that a little caveat, "But you are not invited to attend." It is pretty silly when in fact people can attend, although maybe they cannot present their briefs in a normal way.

We do not have much in the way of a standardized policy for advertising, for example, when a committee is holding public hearings on a given matter or when it is putting a bill through a process and it wants to receive input.

It seems to me that the language problem is one that has not been resolved either.

I am happy with the recommendation about physical equipment. I am not quite as happy about what I see as a response here that meets part of the need.

I want to throw another little thing in the middle of this. There are a lot of people in Ontario who speak neither English nor French as their mother tongue. When you advertise to give notice that you are going to conduct hearings on a bill, for example, that had to do with the Workers' Compensation Board, you would be missing a huge chunk of people who are directly impacted by that if you did not provide some kind of notice in languages other than English or French.

Although I do not pretend for a moment that it is suitable to always advertise in 85 different languages, there certainly are occasions when it would be appropriate to do it in more than the two official languages. For practical purposes, many people who have reasonable grounds to give you an opinion on, say, the Workers' Compensation Board may well speak Portuguese or Italian, Greek or something else. In order to reach them, you may want to go into an ethnic newspaper that is not printed in either English or French.

I think we need to do a little more work on guidelines for advertising, but the remainder of what we have heard so far certainly seems to fall in line. I am concerned that we do that in an orderly manner and that the expansion of that simultaneous interpretation service be adequate to our needs but that we do not have a lot of people standing around looking for something to do; we have 130 members who can handle that job just fine.

Ms. Morris: I would like to speak to the advertising issue, if I could. That is on my shopping list today, advertising.

Increasingly, I am getting calls from the Office of Francophone Affairs. The francophone public is interested in committee meetings, whether they be held here or whether they be travelling committees. I also feel there should be a definite policy regarding French and English, and perhaps other languages, although I cannot speak to that as French co-ordinator.

I am concerned, first of all, that we ensure that the French and the English audience receive advance notice in the appropriate language. The standard policy is that you advertise in French in French newspapers and in English in English newspapers.

My understanding is—and you can certainly correct me on this—that we advertise in the dailies across the province at this point. I have a concern about that and that is that we have only one French daily at this point, Le Droit, which has been having its moments lately.

I think we are not hitting the francophone audience if we are not starting to put ads in French in the weeklies. I realize that sometimes can present a problem, depending on the timing of when an announcement goes out, but if we did make efforts that way, I think we would be informing the francophone public a little more efficiently about committee meetings that are going on either in their areas or here in Queen's Park.

I seem to be getting to hear that, and that is one of my roles as the French-language co-ordinator, to listen to the community and what it is looking for. I am concerned now that with only one French daily that may not be making it across the province any more—it has changed its format, it has gone to tabloid; I certainly would not want to say anything untoward about Le Droit, but I am getting the feeling that maybe it is not reaching its target audience, at least up in the north and in certain areas in southwestern Ontario.

I think we need a consistent policy about advertising, especially now. If we increase the availability of simultaneous interpretation, then your clients need to know that. I am not sure what the protocol is in terms of putting the policy together, but looking at it as French co-ordinator, I would like to see a strengthened policy in that area so that it is very clear in the right media that you are holding meetings in certain areas.

Mr. Breaugh: Would it be possible for you to put together something that would meet those needs, and to be specific, to give us a listing of what francophone newspapers, daily or weekly, would be adequate to the task of informing people?

It seems to me that at some point in time this committee does have to put on record some consistency, so that when committees advertise there is a standard policy on what you mean by advertising or giving proper notice. We may want to put in front of other committees a range of things, saying official notice constitutes putting it in a large Toronto daily newspaper that has circulation outside of the city and covers Ontario in some way. Or we may want to say, "Advertising means you will spend this amount of money, you will advertise in these languages, in these newspapers," and give a certain amount of notice involved to it. I know this committee itself has had some difficulty determining what is appropriate in terms of giving notice.

It does strike me, although it is probably not a huge expenditure compared to government limousines and things like that, that there is some waste of government money here. I do not think there is any intent to waste

money, there is just some difficulty in determining what is appropriate. I think perhaps you could help us to devise those guidelines by giving us some practical hints as to what really would constitute a reasonable amount of notice for francophones.

Mr. Chairman: I think there was some material distributed to the members of the committee regarding the newspaper circulation data and the French Language Services Act. That was in March or so. There is quite a bit of information in that. We could have that distributed again if you wish.

Mr. Breaugh: I am asking for something a little more specific than that. I would like a recommendation from her, particularly dealing with francophones, as to what exactly she would recommend as being an appropriate distribution for advertising for matters that may be of concern to francophones. Inherent in that, of course, is now going to be removing the judgement call as to whether this is something that is of interest to francophones and inserting in that what is the legal requirement for a Legislative Assembly committee to advertise.

Mr. Chairman: I think it would be helpful if this committee were to devise some kind of policy. Then what we would like to do is take it to the other committees and get a uniform approach to the matter.

Mrs. Sullivan: First of all, I want to say thank Linda Morris for being with us today and for the letter, which is an interesting start to our discussions here.

I want to start by talking about advertising questions first. First of all, it seems to me that one of the mandates of this committee, and indeed one of the items that we will be putting forward to the board in terms of our budget, is that this committee will be reviewing the question of advertising policy for all committees. That would include francophone advertising as well.

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Mr. Breaugh has suggested that a list be compiled of weekly or daily newspapers that would satisfy meeting a francophone population. Frankly, in my view, depending on the nature of the public meeting, one almost has to draw a target list of publications on the nature of the discussion and the issues that are going to be addressed in public meetings. Indeed, from time to time, it may be necessary to look at some specialized magazine-format publications rather than simply relying on daily or weekly publications.

Basically, what I am saying is that while advertising data in newspaper journalism may be useful, I believe, coming from a communications background, it is not going to answer the requirements that we will have over a period of time.

None the less, I also think we have to start with policy recommendations and move through those situations before we start getting into the tactics and the techniques of the advertising itself.

The second question relates to equipment. Presumably, all committee meetings, unless they are in camera, are public meetings. In most instances, routine business is conducted and in most instances it has not been found necessary to have simultaneous translation. The question then, when simultaneous translation arises, is in formal public hearings when either witnesses or interveners are invited to appear before specific committees on

specific topics, to present a point of view which would be considered in the course of discussion of an issue.

So far in my experience here, which is not as long as Mr. Breaugh's, indeed we have seen one committee make substantial use of the simultaneous translation facilities. Those were matters of broad public interest and this room was used almost solely during that committee hearing portion for that. From time to time, other committees, particularly select committees, will be wanting to travel and make more substantial use of simultaneous translation facilities.

I am not convinced yet that it is worth, at this time, expending new capital dollars on a permanent portable facility here when indeed there may be substantial changes made to the House with renovations and when in fact costs are not totally factored in. It is far more efficient, for example, if one is in Ottawa, to make use of excellent private sector translation services which are used by the federal government and private enterprise there on a rental basis, with the expertise and equipment provided and the technical facilities made available through that rental situation.

I am not certain at this point in my own mind, before I would support a recommendation for the purchase of additional equipment, whether portable or permanent, whether I know enough about the needs of various committees in terms of public meetings with witnesses and interveners to justify one or more portable booths and the technical requirements that would be placed on Hansard over that period of time.

You have indicated that to rent for 46 weeks would be a cost of \$70,000 to \$80,000. I do not know if there is an analysis that 46 weeks of committee time is, in fact, what we need. We may find, indeed, that we need only perhaps 10 weeks of full rental requirements, or even less. Portable translation booths, in my experience, are not as portable as they are made out to be.

Mr. J. M. Johnson: Just as an aside, mention has been made about the daily newspaper constantly and little reference to the weeklies. It may sound very strange to people here, especially the city people, but people in many of the small towns in northern Ontario do not subscribe to dailies, they take the weekly paper. I think if we implement any type of advertising policy, or if this committee is going to make any recommendations, we have to take into consideration the fact that many parts of this province are not covered by dailies. Let us keep in mind that the weeklies play a very important role. When we do implement such a policy, let us make sure we recognize that fact.

Mr. Chairman: I think it was a practical matter that forced committees to bypass the weeklies because there was some urgency to get the message to the public and before they got the ads to all the weeklies and so forth, they decided just to advertise in the dailies.

The other thing, of course, was cost. There was a feeling in the past to not spend as much money by going to all the weeklies and just advertise in the dailies. So it was a practical matter from the standpoint of time and from finances.

Mr. Breaugh: Just on that point, one of the things that I think we ought to be doing is just that; there are occasions around here when somebody gets the bright idea that a bill has to be done next week or we want notice given. The end result is that no practical notice is really given. The notice goes in the newspapers on the day when the hearing is held.

I think, for example, one of the things that we should be doing is that when people decide you must give notice, that has ramifications about when the committee hearings can be scheduled. There should not be the problem that we cannot get it in the weeklies, but we can get it in one of the Toronto dailies. I am sure, in many parts of Ontario, nobody reads the Toronto dailies. So I think you have to develop a process along those lines.

The other thing that I think Linda could do that would be helpful for us is maybe give us some actual costs of how much we spent last year in using interpretation services from outside and how many weeks of committee hearings we had in the last year. I think that would be useful to base it.

I think Mrs. Sullivan is right. If we are going to require interpretation services in addition to what we have already for a couple of weeks a year, we should not be buying equipment that we would use on a permanent basis. It seems to me it is just a question of mathematics. When you get to the point where it costs you more money to rent these facilities and services from outside than you could do it for yourself by buying the equipment, that is when you buy the equipment.

I think that kind of actual basis of how many dollars were spent last year in providing interpretation services and how many weeks of committee hearings—I suppose it would be more practical to say how many days of committee hearings—were actually held where we had to contract out. Those are the kind of numbers that would be useful to us.

Mr. Chairman: Mr. Breaugh, that is a good point and I understand there is a researcher going over to the finance branch next week to try to get that information. We have asked for that in the past and they could not provide the necessary data but someone is apparently going over next week to get that information.

Ms. Morris: I would like to speak about the equipment here at Queen's Park. Obviously, we have been using only this room at this point. Although we have been advertising, we really did not have the facilities to do this in any other room. It will be harder to predict how many times we would need it.

On the other hand, I think when francophones know that the service is available elsewhere, that will encourage them, so it is a bit of a circle in that respect. To say how many times we would actually use the equipment is difficult to say. That is why I was thinking of the purchase of a permanent unit so that you would have it to move around from room to room. It would be made known to francophones that it is available and when they registered to come in to speak they could make it known to us that they wanted the equipment.

Secondly, I know the Minister of Government Services now is purchasing one portable unit for the Macdonald Block. So, perhaps in the future, there is a buyer for us; if we decide to go permanent or in another direction, we may be able to sell this equipment since it does not change a whole lot, at least not in the last few years, and we could perhaps pass that equipment on to the Ministry of Government Services as its service expands to the whole of the Ontario government. They were toying with the concept of two machines but they also decided to be conservative and go with one and see how the demand grew. Again, it was hard to pin it down at this stage, yet everyone wants to be ready for November 1989 because no one wants to fall short and have someone coming in the day after and not being able to respond.

Mr. Chairman: We have the suggestion that you get that information and come back with some recommendations for us. How long would it take you to get that?

Ms. Morris: I do not know. Perhaps several weeks. I will have to do some checking on where I can get the information, plus I would like to speak to the Ministry of Government Services because it has done some research for itself and that may be applicable here as well.

Mr. Chairman: Maybe what you can do then, when you are ready to make the report, is notify the clerk and we can schedule you back on the agenda.

Ms. Morris: While I am here, one more item on my shopping list, some food for thought—Mrs. Sullivan brought it up—is travelling committees. Again, committees go outside of Queen's Park and they go into designated areas and I am sure you are all familiar with designated areas, but I will just hold this up. This was prepared by the Office of Francophone Affairs and the blue spots are the areas that are designated in the province.

It would seem to, again in response to the French Language Services Act, that committees travelling into those areas and holding public meetings and inviting people to go to those should also be prepared. I do not have figures but I think we need real consistency in this as well, that committees are responding to the act in having simultaneous translation available if they go into Cornwall, North Bay or wherever fits into those blue spots. That may require a little more work, as well, perhaps through supply and services ultimately, to perhaps have a contract readily available so that if you need this service, you can get it fairly quickly.

That is a problem, as well, advance notice to a company on the outside coming in and doing the work for you. Without sufficient notice, they may not have interpreters available or booths available because they are booked out.

I am leaving that one for you to think about, that just as you are looking for consistency in your advertising policy, I think there has to be consistency as well in travelling committees going into designated areas, again to respond to the French Language Services Act.

End of shopping list.

Mr. Chairman: I think one of the points that should be reiterated is that after November 18, 1989, if we abide by our own legislation, then we do not have any choice but to provide the simultaneous or the translation, interpretation services to all committees at all times.

Mr. Morin: With the Meech Lake accord committee, we travelled to London, I believe it was, where we used the services of our own staff. Is there a way of knowing how much it cost to bring our own people?

Ms. Morris: That was the broadcast side, was it not? Because I do not think we sent any of our interpreters, unless you made arrangements for an outside service.

Mr. Morin: Hansard came down. Just give us an idea. How much did that cost?

Ms. Morris: That I would not know, because they do not fall under parliamentary public relations.

Mr. Morin: Hansard. They were people from here.

Ms. Morris: Again, not my unit, so I would not have been costing that up. It would be Bill Sommerville's area or perhaps—

Mr. Morin: You could ask him how much it cost so we can make a comparison. How much does it cost to have your own staff or hire the services?

Ms. Morris: Perhaps the committee wants to ask one of the managers from that area to come down.

Mr. Chairman: I think the researcher will try to get that information next week.

Mr. Morin: I thought that communication was quite easy in the Legislature.

Ms. Morris: We chat in the hallways, but I do not necessarily know the expenditures.

Mr. Chairman: We will have you back several weeks from now with all the relevant information and all the answers to all our questions, I hope.

COMMITTEE BUDGET

Mr. Chairman: Member of the committee, maybe we can deal with one other item, and that is item 4. You recall that we tried to get some additional information on the budget. It is probably timely that this matter go to the Board of Internal Economy. If we could deal with that now—I think you have a copy before you—I will entertain a motion or changes if you wish.

The clerk has informed me that he has tried to respond to your suggestions with regard to the various matters that you raised and that the scheduling, in particular with regard to the one visit to London, he has incorporated whatever he could in that particular fact-finding visit. I am not sure that we can get any more information at this particular time.

If it was necessary to expand that visit by a day or two, it might be possible within the scope of the budget itself.

Mr. Breaugh moves adoption of the budget.

Mr. Faubert: I just have one question. Regarding the House of Commons, Westminster, could you put in January or February to make sure people realize that it is not a summer trip?

Mr. Chairman: Yes, I think everyone will know that but we can mention that.

All those in favour? Opposed?

Motion agreed to.

Mr. Chairman: If there is no further business that someone wants to raise at this time, the committee will meet again next Wednesday. We will now adjourn to room 113.

Before you go, I have been remiss in not introducing the new researcher

to us. David Bedford replaces John Eichmanis. When there is a need for a legal researcher, Merike Madisso will be here and at other times Mr. Bedford will give us the necessary information and research. Welcome to the committee, Mr. Bedford. I hope you enjoy it here and we look forward to working with you.

The committee adjourned at 5:36 p.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

ACCESS TO INFORMATION
RESEAU ONT. PARL. NETWORK

WEDNESDAY, JUNE 8, 1988

I would point out as well that when the report was finally released, I believe on January 28, 1988, the French version was not a bound version. It was a photocopied version that in my humble opinion could have been done in 24 hours. That was the way it was released in February; it was put into a bound version later on.

That is my understanding of the facts. I would hope that the committee would concur that there is a substantial discrepancy apparent in those facts and that it is a matter that this committee should investigate.

Mr. Chairman: Thank you, Mr. Harris. Is there anyone else who wishes to speak? Mr. Sterling.

Mr. Sterling: Mr. Chairman, I am concerned about it, not only in this particular instance, but in all instances in dealing with reports that are being prepared by various ministries. As you know, we have recently in this very committee considered the Freedom of Information and Protection of Privacy Act. The whole thrust behind the freedom-of-information act was accountability with timely information. Now that we have a freedom-of-information act, there seems to be a tendency on this government to utilize the fact that we are now translating a significant number of our documents into the French language, which we do not oppose, but the time from when they are given this document and the actual publication date, I believe, spans a period of seven or eight months.

I estimate, or guess, that perhaps the minister might have received the English copy sometime prior to the last election. She certainly had a rough French draft during the election. Therefore, I think it is important for us to look at this whole matter, in terms of preparing something for publication in French or vice versa depending on what the original document was; how long does that give a government the excuse to hold back releasing this information.

Mr. Chairman: Mr. Sterling, I think you would probably want to correct one thing and that is that you try to suggest she received the French draft during the time of the election. She was not appointed minister until September 29.

Mr. Sterling: That is correct, I am sorry. The government received it.

Mr. Chairman: Therefore, she would not have had possession of it.

Mr. Harris: That would have been the former minister.

Mr. Sterling: Yes, that would have been the former minister.

Mr. Lupusella: Mr. Chairman, if I may, I would like to express a few thoughts about the proposition which is before this committee. I am not convinced that as a committee we are going to achieve something very concrete by making sure that the minister will appear before this committee to justify the discrepancies. In relation to reports, if we are going back to the history of the Legislature under a different administration, I can easily recall the same thing: how long it took the former administration to release certain reports.

Maybe there is a genuine discrepancy which took place. The honourable member can raise another question in the Legislature for the minister to justify the discrepancies. As far as I am concerned, for the minister to

appear before the committee, we are not going to achieve any concrete goal besides justifying the discrepancies, which can be easily justified on a question in the House.

Mr. Chairman: I thank you, Mr. Lupusella. Members should be aware, of course, that this matter has been raised with the Speaker. It was raised with him yesterday. He has not had an opportunity to respond to it in the House, as you know. The question before members is whether or not this should be dealt with in this committee while the Speaker still has it under consideration and before he has a chance to respond. I think that is an important consideration from the standpoint of how this committee may want to deal with this matter.

Mr. Breaugh: Could the chair give me some clue as to what we are doing now?

Mr. Chairman: You heard Mr. Harris and you were in the House yesterday; I believe, when this matter was raised with the Speaker and the Speaker indicated at that time that he was going to respond to it in good time. Obviously he has some research to do in the matter and I suspect that he will get back to the House some time in the near future on that matter.

Mr. Breaugh: Let me try again. What are we doing?

Mr. Chairman: Mr. Harris has put his request that we deal with this matter at this time.

Mr. Breaugh: I did not hear him say that.

Mr. Chairman: He wants to get some information.

Mr. Breaugh: I did not hear his say that either. Let me try this: Are you saying that you do not want to deal with this matter until the Speaker has made some deliberation on this matter?

Mr. Chairman: I would think the committee would not want to deal with it until the Speaker has deliberated, since it is before the House, and secondly, the matter has not been referred to us by the House. I would think it is of enough importance that if the House wishes to refer this matter to this committee, then I would be more than happy to deal with it. But I think it is up to the committee to decide what it wants to do.

Mr. Breaugh: I am getting a very confused message here. If the chair is saying that you would prefer to set the matter aside until the Speaker has made some deliberation on the matter, I can accept that, but I do not know what else you are saying. It seem to me that the committee has always accepted the right of any member to attend and to raise a matter that is of concern to a member. I think we can hold that in abeyance, given that the matter was raised in the Legislature yesterday and the Speaker has taken it under consideration.

I am quite happy to say that you just received a request from a member today and that the committee will take no action on that until some decision or some ruling has been issued by the Speaker.

which was raised in the chamber and that the Speaker on other occasions has referred such matters to the committee and normally we would offer, in this case, the minister the opportunity to state her point of view. Then the committee would decide whether or not it wants to hear any other witnesses and enter upon any other deliberations. If that is what you have in mind, that is fine. I do not have any difficulty with that. Is that roughly what you meant?

Mr. Chairman: I am in the committee's hands. The committee may very well not want to deal with this until the Speaker has an opportunity to deal with it in the House, after which time the committee has an opportunity to deal with it if it wishes, or not deal with it if it wishes not to deal with it.

Mr. Harris: I do not want to take too much of the committee's time; I know you have an agenda. Could I suggest that the matter be referred to the subcommittee to make a recommendation to the committee once the Speaker has ruled?

Mr. Chairman: You can make that suggestion but it is up to the—

Mr. Owen: I think what we are doing is we are anticipating what the Speaker might be doing. I am sure that all members have trust in the ability of the Speaker to carry out this matter. I think for us to make any decision one way or the other in any way, shape or fashion at this point, when the matter is seized by the Speaker, would mean that we are prejudging or anticipating. I would think it is most appropriate to do what the chairman said in the first place; that is, wait and see. It can always be brought back if need be or referred to us if need be.

Mr. Haggerty: Just following on Mr. Breaugh's comments, I would suggest my experience around here is that before a committee should hear anything in this particular matter, it should be referred to the committee first. That should come from the Legislative Assembly. That, to me, is normal practice around here; that when you have some areas of concern or dispute and questions to a minister, it should be referred to the committee from the House before you listen to it. I do not think the committee has a right to summon the minister or anybody else here without being authorized.

Mr. Sterling: I thought we had quite clearly established our right as a committee during the last parliament, with the substantial revision of the rules, that if a member felt aggrieved in some manner, he could come in front of this committee and seek his redress, and that this committee has every power to order its own business with regard to these kinds of matters. We are not talking about a long inquiry or anything like that. We just wanted to ask some questions. I do not feel there is a problem in terms of waiting for a week or so until the Speaker has an opportunity to deal with the issue.

Mr. Chairman: The committee can order its business but it may want to wait until the Speaker makes his decision, at which time it can again be raised in this committee.

Mr. Breaugh: May I make the suggestion that we take no action in the matter that has been raised until at least, in the first instance, the Speaker has given us his decision on the matter? Is that a reasonable approach?

Mr. Owen: I would humbly submit, as Mr. Harris has done before, that we are putting the cart before the horse. To follow through on Mr. Breaugh's suggestion is to say that we are seized of it and we will just wait and see

what we do with it for the time being. My suggestion is that we should not be seized of it yet and we should wait and see what develops from the Speaker after he inquires into it in an objective, capable fashion. Then Mr. Harris is free to come back if he wishes.

Mr. Harris: I think there is going to be a time problem. I am not sure any members, whether they are of the government party or the opposition party, want to see the minister with this hanging over her head until next October. Perhaps the best suggestion is to refer it to the steering committee, so that if indeed the Speaker rules tomorrow, as I am pretty sure he is going to do, the steering committee can deal with it and see if it cannot be placed on the agenda for next week.

Mr. Breaugh: I have no objection to that process.

Mr. Campbell: It seems to me that we are still prejudging what the Speaker may do. I do not feel comfortable dealing with that. I realize I am not a regular member of this committee, I am a substitute, but I feel it very important that the Speaker be given a chance—

Mr. Chairman: Just to clarify things, you are a member of the Legislature and you are properly accredited to this committee for today, so you are in no way a second-class citizen.

Mr. Campbell: No, I did not intimate that, sir.

Mr. Breaugh: We are not talking competence here at all.

Mr. Campbell: If I may be allowed to continue, Mr. Chairman, my concern, though, is the sense that in some way we are prejudging this: Whether there is a time situation or not, I am really concerned that we are prejudging what the Speaker is going to do. I think it is difficult to take any action, either A or B, as has been suggested by Mr. Harris. Mr. Breaugh's suggestion, I think, is an apt one for the circumstances.

I suggest we could deal with the matter in that way and when the Speaker does rule, then Mr. Harris can perhaps take whatever action he feels is appropriate to redress what he feels is a situation he has brought to this committee's attention.

Mr. Harris: If you do not want to refer it to the steering committee, I do not want to force a vote and have you turn that down too. That is fine. Thank you.

Mr. Chairman: It is up to the committee.

Mr. Breaugh: Just to help you out of this, I do not know that it is quite proper for the committee to deliberate on a matter while it is before the Speaker. I have no difficulty whatsoever with saying that the steering committee is empowered to make a recommendation, should the Speaker give a ruling tomorrow, and it may be to refer the matter to the committee.

The steering committee is then ready to make a recommendation next week on how to proceed with the matter. I am really advocating the point of view that we have allowed a member to put on the record here this afternoon the concern that he has. The committee does not feel predisposed to deal with that matter until the Speaker has made his ruling. If the ruling comes down tomorrow, or Monday or Tuesday of next week, the steering committee can make a

recommendation next Wednesday to hear the matter then. That is all. I do not think you want to do any more than that. I do not think we need a motion.

That is just my interpretation of how things would proceed. It does not seem quite correct, to my mind, that a committee does something while a matter is currently being reviewed by the Speaker. Once the Speaker has dealt with it, then a subcommittee of this group can make a recommendation at next week's committee session on how to handle the matter, and I think you can just leave it at that. If there is general agreement, I do not see any problem with that.

Mr. Owen: I cannot agree with that. I still think that we are prejudging the situation.

Mr. Breaugh: How are we prejudging? We are not doing anything.

Mr. Owen: We are prejudging it because we are anticipating that something has to be dealt with.

Mr. Breaugh: Something does have to be dealt with. The matter has been raised in the chamber and the Speaker has taken it under consideration.

Mr. Owen: It may be that there is nothing to be dealt with tomorrow. We do not know and, therefore, we are prejudging. Mr. Harris has indicated that he does not feel that this should be something hanging over the minister involved for a number of months. It may be that there is nothing to be hanging over the minister. I think we are just battling shadows at the present time.

Mr. Breaugh: Nobody is proposing doing anything. All we are saying is that you allowed a member to raise a matter. In the normal process, the steering committee is the group that would make a recommendation next week if you are going to proceed with any kind of action. If we invite the minister to attend or call witnesses or anything, that is the process we use.

I do not believe we need motions to deal with this. If you are prepared to hear the member, and you were, it seems to me he was quite in agreement with the notion that the committee does not do anything until the Speaker makes his ruling. I suggest that is about as far as you can go with this.

Mr. Owen: Mr. Harris has already indicated that he was not prepared to make a motion and withdrew from the committee at this point. I would think that would be the agreement.

1600

Mr. Sterling: Maybe Mr. Owen does not understand where the committee has been in the last three to four years, in terms of what we had hoped we could do. A member of the Legislature could come here and seek redress for a situation that he felt was unfair to him. It does not matter. If you want to have a full-scale battle on this issue, just invite us into it and we will make one.

The member who brought the matter forward happens to be the House leader of one of the opposition parties. I only say that you could probably not pick a worse example of somebody not to co-operate with, in terms of how things are run around this place. That is your choice. If you want to have a confrontation, we will have one.

Mr. Chairman: Thank you, Mr. Sterling. I am sure Mr. Harris will be

back. Let's wait to see what the Speaker is going to do on it and then we can deal subsequently with the matter.

Let's go to our agenda. If you go to item 1 on your agenda, we have before us a request by TVOntario for an amendment to the agreement between the Ontario Educational Communications Authority and the Speaker of the Legislative Assembly to provide for an administrative fee.

We have with us the Honourable Hugh Edighoffer, the Speaker of the Legislature, Mr. Peter Bowers, chief operating officer, TVOntario and Micheline McKay, manager, Ontario policy relations, TVOntario.

Do all of you want to come before us at the same time? I do not see this as a confrontational kind of segment, or anything of that nature.

Mr. Speaker: I do not see where there would be any problem.

Mr. Chairman: If you want to come before us, please have seats there. I believe you have some comments to make. Mr. Speaker, do you wish to start?

Mr. Breaugh: We just had an argument about not doing anything, I want to remind you, so if you are going to propose something here, you may be in trouble.

Mr. Speaker: I must say I was eavesdropping.

RESEAU ONT. PARL NETWORK

Mr. Speaker: Mr. Chairman and members of the committee, as you are aware, I sent you some information. I probably did not send as much as I should, so I might just recall to your minds what has taken place, in point form, since we became involved in broadcasting the legislative proceedings.

I recall, very distinctly, back on January 27, 1986, when TVO filed application for a network licence for our TV services here. I believe the contract, if I am correct, was signed prior to the application. There are two sections in there, I guess, which we are concerned about today. I hope you are familiar with section 4(g) and section 8(e)(iv). I think those are the two pertinent sections.

But since that time, in September 1987, I received a letter from TVO asking for an administration fee: I believe it was in the total of just under \$70,000, set at five per cent, on all costs. Since that time, we have been corresponding back and forth and there have been discussions with the former member of our staff, Tom Mitchinson, who left our employ in January 1988.

I hope I am correct in this. I think there was a good discussion at that time with Mr. Mitchinson and it was agreed that TVO would present its regular budget, without the administration fee, and then come back to the Office of the Assembly and, of course, to this committee, to see whether there was a need for the administration fee.

I do not really think there is anything else I want to say at the moment. I believe you have the list of items on which the five per cent would be charged.

There are a number of things that the committee should consider. First

of all, we really do not have guidelines as to whether we should or should not allow outside agencies or different bodies to use our TV service. Of course, if it is agreed that they can, as two or three do at the moment, if so, under what conditions?

Another item comes up: Can we charge for the use? Then we come to: If the decision is that we are going to open it up and allow other bodies to use it, should we rescind the administration fee, because the original contract stated that with the original use of the television services, there would be no administration fee?

There is another item I would like to ask, but that does not tie in with this exactly.

Mr. Chairman: OK. Do any of the others have any comments?

Mr. Bowers: I would like to say at the outset that we continue to enjoy the opportunity to act as a licensee for the Ontario legislative service. It offers us and the Legislature economies of scale and it works out to the benefit of both of us. It is much cheaper than if we each try to operate separately.

When we undertook to provide the service, we believed that we could do so efficiently and at very little incremental cost. On the basis of our experience to date, we find that some of our indirect costs are more significant than we anticipated, and that is the reason for our request to you.

It is true that the Ministry of Culture and Communications does provide us with base funding, but we are finding that the funds are not sufficient to cover the add-on activities that we get involved in. After several years of budgetary restraint, where our base level of funding has not kept pace with actual inflation, we find that when we take on add-on activities now, with the endorsement of the ministry, we ask for a 15 per cent overhead administration fee.

In the case of the Legislature, we are suggesting a five per cent overhead fee because a large amount of the charge for the service is the satellite transponder itself, and this is a request to make a contribution towards our general overhead costs. It is not a request for reimbursement of specific services.

Some of the areas in which we find we are incurring additional costs—and this applies to our own services as well as to the legislative service—are things like Canadian Radio-television and Telecommunications Commission applications for carriage of the legislative service on cable systems.

We find we are involved in negotiations with Telesat for changes in the service and that sort of thing. We have incurred additional costs for spare parts as a result of our operational experience. We do keep separate financial records for the legislative service, and I am pleased to say that the auditor has given us a clean bill of health on our first annual report for that service.

We are also incurring extra legal costs in terms of making special arrangements for transmissions and of negotiations with the federal government on the telecommunications tax and whether that applies or not. Of course, we are continuing to represent the interests of the Legislature as far as the television extension in northern Ontario project is concerned.

It is for these reasons, these extra activities that we are incurring, that we are making this request. We stress that it is a request and not a demand. We will continue to provide the service as long as the Legislature wishes us to do so. However, in these times of tight budgets, we are approaching all our funders and asking them to make a contribution towards the administrative costs of providing the services that we do.

Mr. Chairman: One of the aspects that the committee may not be aware of is that prior to Mr. Mitchinson's departure from his position here, he was asked by the committee to come forth with several options which should be made available to the committee so that it will have certain things to choose from.

The clerk is trying to get a copy of that so we can share it with you again, but that went to Mr. Mitchinson. We have not had a response on that since that went to TVO and to the legislative broadcast service. That may be one of the aspects that members may want to keep in mind before they pursue this any further, but it is something we have not heard from yet.

1610

Mr. Breaugh: We have had this before us on a couple of occasions now, but nobody ever tells us how much money—five per cent of what?—and nobody has provided us with much in the way of information. I think we are generally in agreement that if somebody puts down in front of us the number of hours spent, what was done and what it cost, \$50,000 or whatever, we would not have a problem dealing with that. But it is a little difficult to look at a request for five per cent of something, but we are not quite sure what.

I recall this being in front of us four or five months ago when we basically asked the same question: How much money is being sought? We have a general, rough idea of what we are doing. To tell you the truth, from where I sit, TVO has been asked on a few occasions now to provide us with some information and it has done so. But it did not seem to me to be a large percentage of anybody's work time.

If there is a need to amend the agreement to provide for a chargeback basis, which is a technique that most of us would be familiar with, I do not think we would have any problem with that. The difficulty I have is when somebody starts asking for a percentage. I would sure like to know what we are giving a percentage of. Can anybody help me?

Mr. Bowers: The total cost of the service is \$1,393,300. We suggested a five per cent administration fee, which amounts to \$69,900. We have not provided an itemized account. We do not think it is efficient to itemize all these items and break them out and bill them separately, because they are part of the general overhead costs of operating TVO.

Generally speaking, when we talk about a project's specific funding with other funders, we simply identify a 15 per cent charge, which is an overhead charge that basically goes to pay our indirect costs or pay for the impact on our indirect costs that these project activities incur. So we were not proposing to bill you specifically for services, but rather we were requesting your consideration of a five per cent overhead fee.

Mr. Breaugh: I do not have any real trouble with the dollar amount, to tell you the truth. If you came in and said you wanted money to assist you in terms of that, that does not seem to me to be outrageous, but in terms of what you are doing—when we send to you a request to use our facilities, it

seems to me that we generate whatever work was involved and we assume the responsibility for whatever costs you have. I do not have any problem with that. If this committee is silly enough to ask you once a week to write a major report on how we use our facilities, we initiate the expense and we take on the obligation.

The difficulty that I have is that much of what you have discussed here today are things that you have initiated, which I know nothing about and which are not accountable to this committee. We did not ask you to do them. They may be part of your normal administrative workload, but you did the same thing last year and we were not around, so I have a little problem with it. I think it is just the format that is bothering me.

I do not want to create a whole lot of new bureaucracy that does a time log of how much time your staff spend working for the assembly broadcasting services, but I think there should be that some little better breakdown. If you were putting forward actual administrative costs and presenting us with not necessarily an itemized statement but some kind of reasoned statement that we could look at and say, "Yes, we incurred that amount of workload at TVO and we initiated that problem," or, "That's our responsibility." I do not think any of us would have any difficulty in saying, "Pay the bill." Looking for an administrative percentage is what causes me the problem.

Mr. Bowers: If I may?

Mr. Chairman: Do you want to respond to that? And then Mr. Campbell?

Mr. Bowers: As to the kinds of things we are doing, whenever there is an application before the Canadian Radio-television and Telecommunications Commission that advocates new speciality services on cable, we intervene to say, "Don't forget the requirement to carry the Ontario legislative service." It is a discretionary service and we make the representation that this is an important service and it should be. We advocate its carriage. Whenever a new cable company comes on, we make the representation for the carriage of the legislative services, as well as TVO services. TVO services are mandated by legislation so that we do not have to make as strong a case in that case.

In our dealings with Telesat, basically, they are proposing to change the satellite that they are using. This involves establishing a changeover date and instructing all the cable operators to switch their dishes at a certain date. This is a discrete amount of work involved. It is partly our own cost and partly attributable to the Ontario legislative service. But it involves some of our engineer's time in terms of the negotiations, establishing dates and that sort of thing and getting in touch with the cable operators.

We do keep separate accounting records because I believe the agreement calls for separate accounting records, and the auditor audits them separate from the books. We did not associate any cost with the cost of keeping separate accounting records in the original agreement, but now because of our problems with our base funding, we are forced to look at all the add-on costs that we incur and see if we cannot renegotiate coverage.

In the area of legal affairs, whenever the Legislature wishes to use the service for a different purpose, such as the Whipper Billy Watson appeal, it is necessary to make sure the arrangements are in place for those special transmissions and to inform the CRTC and this sort of thing. When the federal

government introduced the telecommunications tax, we hired lawyers to make representation that the tax should not apply to the services TVO is offering. We were representing the interest of the Legislature and trying to avoid the telecommunications tax, if you will.

We have these ongoing involvements under the television extension in northern Ontario project where the government is putting low-power stations and cable systems into northern Ontario. We are the designated representative of the Legislature in terms of requesting that they put in a service to distribute the legislative service as well.

These are not activities that we have initiated on our own hook, but we have initiated them certainly on behalf of the Legislature.

Mr. Breaugh: The problem I have is that I do not charge you when I stand up in the Legislature and say TVO is a nice piece of business, everybody should watch Elwy Yost. The reason I do not charge you is that I have not entered into an agreement to advertise TVO. If TVO asked me to do a one-minute commercial every day on how wonderful you are, then I probably could get away with something like that. It seems to me that you are in a similar situation. Where we initiate you to do something, then I see the clear obligation on the Legislature's part to pay the cost. Where you kind of intervene generally on our behalf, it becomes pretty grey.

I think I would go back to what I originally said. I would be much happier if we saw some kind of a reasonable, not an hour-by-hour cost, projection of what it costs you to act on behalf of the Legislature's broadcasting services and presented that as a bill, rather than attempt to get some kind of a percentage in terms of administration costs.

Mr. Chairman: I think what Mr. Breaugh is asking for, without trying to put words in his mouth, is some kind of budget—

Mr. Breaugh: That would be nice.

Mr. Chairman: —rather than treating this as a separate item. Mr. Campbell?

Mr. Lupusella: As a supplementary.

Mr. Chairman: As a supplementary to that, OK.

Mr. Lupusella: I am not particularly sure about a five per cent increase which is called an administration fee. Are you asking us to approve the five per cent increase as a permanent feature of the agreement, or is it just one request related to one fiscal year? Are you telling us that you want a five per cent increase as a permanent feature of the agreement or is it just a five per cent request for one fiscal year?

1620

Mr. Bowers: A permanent feature.

Mr. Lupusella: Then I have to agree with the member of the New Democratic Party that I think that the most appropriate way to make such a request is to submit the bill to the Legislative Assembly for payment. I would go for that.

Mr. Chairman: Thank you, Mr. Lupusella. Mr. Campbell.

Mr. Campbell: Thank you, Mr. Chairman.

Mr. Chairman: Then Mr. Sterling.

Mr. Campbell: No, it is Mr. Campbell not Mr. Sterling. We get this every time we sit in the committees. Sorry, Norm.

Mr. Breaugh: The man who argues with himself is in trouble.

Mr. Sterling: I will tell you he has got a lot to say anyway.

Mr. Chairman: It is Norm Sterling and Sterling Campbell. Go ahead, Mr. Campbell.

Mr. Campbell: Thank you, Mr. Chairman. I have some difficulty as well as some members. You mentioned some interventions that you would make. You would make those interventions at any cable hearing for your own nonparliamentary broadcast service? For your own station, whether it be a low-power repeater or a regular licence, you would always make intervention at some point, would you not, Mr. Bowers?

Mr. Bowers: The CRTC regulations require cable systems to carry TVOntario. The licence for the legislative service is as a discretionary service and so we intervene to put our weight behind requesting the cable operator to make the decision to carry the service.

Mr. Campbell: You are saying, if I have you clear, that it is your program intervention that you are making to the CRTC and not the carrier licence?

Mr. Bowers: Whenever other services are advocated for cable carriage, there is a general hearing and we would intervene and speak in favour of carriage of the Ontario Legislative Assembly service. If a new cable system comes into being, we would intervene and recommend carriage of the Ontario legislative service as well.

Mr. Campbell: I got you. Maybe that is a flaw in the CRTC, but we will not get into that today or we will be here for ever.

The capital cost, as I can see here, was paid by the Legislature in some form. It was not paid by TVO?

Mr. Bowers: The capital cost for the Legislature's portion of the capital facilities was paid by the Legislature. That is right.

Mr. Campbell: Under the terms of the agreement, was it sort of subcontracted to you to provide the equipment?

Mr. Bowers: Yes, I believe that is the case.

Mr. Campbell: OK. The staff that are part of the legislative television corps, if you will, were trained or hired or looked after by you at your cost or—I will ask the questions one at a time. Who employs the corps here, the workers, the people?

Mr. Bowers: The staff for the legislative service in terms of what is located at Queen's Park has no connection with TVOntario and is paid through the Ontario legislative service television channel. I am not familiar with those arrangements.

The signal is transmitted up to our offices at Yonge and Eglinton where TVO employees in our master control and TVO maintenance technicians handle the OLA service and also the TVO service and feed it up to a satellite transmitter that feeds it up to the satellite.

Mr. Campbell: It beats bicycling, does it not?

Mr. Bowers: It sure does.

Mr. Campbell: Then the capital cost was not paid by you. The staff were paid by us, us being the legislative system. What you are looking for is basically the administrative fee. As you break it down, it would be the air time cost to you—

Mr. Bowers: No. The current agreement covers the Ontario Legislature's share of the direct cost of providing the service. There is no problem with that. You pay a share of the rent in our transmitter room. You pay a share of the maintenance technician. You pay a share of the spare parts that are required to keep the service running and that sort of thing. You pay your full share of the all the direct costs. What we are requesting is consideration for a contribution towards the indirect or general or administrative overhead costs associated with providing the service.

Mr. Campbell: Maybe I can zero in on this? Earlier I think you said, in answer to Mr. Breaugh's question that it was \$1.4 million. Is that what it cost you in these indirect costs?

Mr. Bowers: No, those are the total direct costs.

Mr. Campbell: What are the total indirect costs?

Mr. Bowers: We have not done a detailed accounting of them, nor have we attempted to isolate the indirect costs because they occur on a occasional basis as events unfold. We are estimating those costs to be five per cent of the total cost of the annual service, which comes to \$70,000—\$69,900 to be exact. That is an allocation; that is not a cost accounting figure.

Mr. Campbell: If everything is paid for, could you give an example beyond what you said, hiring lawyers to go to the Canadian Radio and Television Commission. I know lawyers are expensive, but \$1 million, or whatever the costs are, is a bit much. What other indirect costs—

Mr. McClelland: Lawyers are worth every penny of it.

Mr. Campbell: Lawyers are worth every penny as my colleague has said, and so are television broadcasters, so we will get our pitch in.

Can you enlighten me as to other indirect costs besides your time, satellites and so on?

Mr. Bowers: There is the cost of our staff engineers in terms of preparing technical briefs for the TENO project. There is the cost of our

staff time in liaising with the cable industry. There is a cost of accounting people to maintain the separate set of accounts for the service. There is the cost of our broadcast traffic people who prepare the logs for the CRTC. It is essentially indirect staff overhead plus perhaps a portion of my time in making representations on behalf of the service.

Mr. Campbell: I have one last question and I will not belabour the point. Would you not consider that engineers' time, logging time, your time and other instances would be part of the normal direct costs? Why would it not be if it is not?

Mr. Bowers: We do not allocate the costs that way. The engineers tend to go from project to project and they are not part of our regular operational activity. At the outset, when we made this proposal we considered those to be part of our indirect costs and we initially thought we could simply absorb that cost in our general overheads. With the squeeze on our general overheads, whenever we take on a new project now, we ask for a contribution towards the overhead costs.

Mr. Campbell: In normal practice when you are building a production, show or time, you build in those costs to the client on a per capita or on a per usage basis. You said earlier that the Provincial Auditor had said your accounting practices were done according to provincial guidelines. Why the variance?

Mr. Bowers: This is essentially a change in our policy where we are trying to recapture some of our other costs, which we previously simply absorbed in the general cost of operating in TVOntario. Since we negotiated the original arrangement with the service, we are now attempting to recover some of those other costs.

Mr. Sterling: I find it extremely difficult to weigh the merits of the issue in terms of whatever knowledge I would have as a member of the Legislature. We have just hired, or are about to hire a director.

Mr. Chairman: We have hired.

Mr. Sterling: OK, we have hired. I was not sure of the dates on that, when she was ready to start. When will she start, Mr. Chairman?

Mr. Chairman: July 4.

1630

Mr. Sterling: It does not seem to me that this is a matter of urgent need or whatever it is. Just looking at it overall, it seems to me that TVO has come in and bid on a contract and wants to bump it by five per cent. I do not know whether their reasons are valid or invalid. I cannot tell, in spite of the information in front of me.

Quite frankly, I would like the advice of the new director as to whether she thinks it is a legitimate claim or whether we should go to tender on a new contract overall. I do not know if we are getting a good deal or a bad deal. I have no idea whether they were overpaid at \$1.227 million or not. I just have no way of measuring it. I think we are wasting the time of the committee to go on further. We have to take the advice of people who have more knowledge and can dig into it.

Mr. Speaker: I might just cut in there. When you said to find someone to TVO to contract from, I think we have a little difficulty there.

Mr. Sterling: I think, Mr. Speaker, you can buy any service if you pay for it.

Mr. Haggerty: You are paying for it now.

Mr. Sterling: No, I am not. The taxpayers of Ontario are paying for it. I have to pay for information about it, but not for the service. I am from Missouri as far as know whether we are getting a deal or we are not getting a deal. I cannot make a recommendation in all honesty.

If they are being underpaid for the service that they are providing—and it seems like an excellent service they are providing—fine and dandy, let us pay them some more money. I need the advice of somebody who can look into it, who can say if there are any alternatives and come back and say to me, "I have done that." Then I will take their word for it.

Mr. Chairman: I have Mr. Haggerty on the list next and then Mr. Breaugh. The suggestion by Mr. Sterling that we might await the arrival of the new director of legislative services may very well be a good one and one that we should follow.

I just want to draw to your attention a motion that was made by Mr. Breaugh and which this committee adopted last November 24. In part, it says: "The committee agreed to request the information services branch of the Office of the Assembly and the telecommunications relations office of TV Ontario to prepare a report as soon as possible for the committee's consideration on how future applications for the use of the transponder may be considered by the committee"—you will recall that was during the discussion of whether a transponder should be used for an outside group. "The report should discuss options available to streamline applications procedures, CRTC regulation of the use of the transponder, other nonprofit uses which may be made of the channel (e.g., for cultural programs) and the commercial applications possible on the channel."

This went to Mr. Micheson and, as I indicated, was dated November 24, 1987. I just wanted to apprise the committee of that request. It is something they may want to await before any future decisions are arrived at.

Mr. Haggerty: I want to go back to the opening comments of the Speaker and his letter of April 19, 1988, directed to the chairman of the standing committee of the Legislative Assembly. I think he did discuss it and brought it to our attention this afternoon. Paragraph 1 or point 1 of this said: "...review the guidelines for the future use of the legislative channel by outside organizations, taking into consideration any existing contractual commitments, new applications for the use of service and the direct or indirect cost of evaluating and delivery of such service."

Just with the little time I have had to look at the briefs before me, there was mention of two groups there, two other associations. I guess one would be the telathon and there was another one in there.

Mr. Speaker: There are three other bodies that have used it.

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Mr. Haggerty: There must have been some revenue generated from the use of that TV. There must have been a benefit to somebody. It was not all done for charitable deeds, was it?

Mr. Speaker: In one case, it is to serve northern Ontario and to improve general knowledge of northern Ontario. Of the other two, one was multifaith and the other was a telethon to raise money for a CAT scanner. That was, I suppose, money they had to raise somewhere.

Mr. Haggerty: There must have been. There was a cost involved there someplace for transmitting that through TVOntario, was there not? Who was it billed to?

Mr. Speaker: No, there would not be because we automatically pay for that.

Mr. Haggerty: Who would paid for that, the Legislative Assembly?

Mr. Speaker: We have the satellite transponder charge that we pay on a monthly basis.

Mr. Chairman: Mr. Haggerty, it is like the Canadian Broadcasting Corp. producing programs. They have basic time blocked in, and if they do something else during that time, then it is the same general cost. In this case, it was time that was already blocked in and it was added as another feature.

Mr. Haggerty: But the money that paid for that cost in transmitting the three programs came from the Legislative Assembly.

Mr. Chairman: Because it was already there. It was just a matter of using it.

Mr. Haggerty: I think you did flag it in here, or somebody did. Is this just a beginning? Are we going to have a setup where other organizations will be coming in and applying to make use of the spare periods in the Legislature, in the agreement to—

Mr. Chairman: To apprise you of that, there were two requests. One was for Whipper Billy Watson and a group in North York—I guess it was North York. The other was for the interfaith service. We felt that the facilities were there to be used and that we should use them. Now we have this request for additional funds in order to expand on those services.

Mr. Haggerty: This is what the five per cent is for?

Mr. Chairman: That is correct.

Mr. Haggerty: Should there not be some direct tax then to the organizations that are making use of the facilities?

Mr. Sterling: This committee was told at the time that there was no cost associated with it.

Mr. Haggerty: I am getting different answers now, though. That is the point I am getting at here. When you talk about the cost to the taxpayers,

there were six independent cameramen in the assembly this afternoon taking clips of what was going on in the Legislature. Then when you walked outside the building, they were all out there. Really, that is the news you see in my area. TVOntario would be rather difficult to get because I am close to the American channels down there. We take advantage of that, you might say; it is available to us. All I am saying is that someplace along the line you have opened the door and there could be additional costs in this. The setup may be costing TVOntario additional costs in programming. Would I be correct in that?

Mr. Bowers: There is no additional cost to TVOntario associated with the Legislature making a decision to add these other services, other than the fact that we have to go to the Canadian Radio-television and Telecommunications Commission and tell it that this service is proposed for this licence for this period of time. There is a notification process. That is just part of the sort of general overhead work we incur, but we were not proposing to charge you or ask you to reimburse specific costs that we were incurring. We were approaching this from a general overhead-cost point of view.

In view of the discussion taking place here today, and if the new director looks into the situation, perhaps we would propose a different method of trying to recover some of these indirect costs we are incurring.

Mr. Haggerty: That is the point I am getting at. Somewhere along the line, it is going to cost TVOntario additional funds to program that because it is—

Mr. Bowers: Not for programming.

Mr. Haggerty: But there is a cost. It is a hidden cost; let us put it that way.

Mr. Bowers: That is correct.

Mr. Haggerty: That is correct, so you want to pick up some of that hidden cost to TVOntario?

Mr. Bowers: If we can.

Mr. Haggerty: One could justify that.

Mr. Chairman: As I understand it, the cost is in the application for licensing. Is that what you are saying?

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Mr. Bowers: In this particular case we are talking about, where the Legislature authorizes other services to be transmitted, the only cost to TVO is the cost of going to the CRTC and effectively notifying it that the service is to be used for this purpose for this time. That is just an administrative cost as far as we are concerned, but it is an example of some of the administrative costs we incur, and that is what we are trying deal with.

Mr. Chairman: Legally, we were able to do what we did because it was on an irregular basis, but you are saying that if we did it on a regular basis we would have to go to the CRTC.

Mr. Bowers: One of the points that was raised in the report you are

looking for is some method of streamlining the process of getting approval to do these kinds of things.

Mr. Chairman: But the approval is from you people, not from the CRTC.

Mr. Bowers: No, the CRTC.

Mr. Haggerty: If you have to go to the CRTC, it is sometimes a lengthy—

Mr. Chairman: What you are really doing is expanding your jurisdiction or expanding your terms of reference.

Mr. Bowers: In terms of the agreement with the Legislature, yes.

Mr. Chairman: Therefore, you have to go to the CRTC.

Mr. Bowers: We are suggesting your consideration of an expansion of the terms of reference, but we are certainly not undertaking any additional authority or anything like that.

Mr. Breaugh: I must admit I am getting somewhat exasperated. I have listened very carefully to the presentation you have made today. I have reread the agreement. It seems to me that what we are being asked to do is covered under the agreement. The agreement provides, where there are additional services, that an additional bill may be provided. I would be quite happy to have TVO prepare a cost estimate of additional services you did not think about when you drew up the original agreement, send that to the new director of administration and bring that back with a recommendation to committee.

The only thing I am not prepared to do is to run up a five per cent commission on the side here. If they want to provide some kind of billing process for services rendered and that goes to the new director of administration and we think that is a reasonable accounting for expenditures they had, I have no difficulty with that. I strongly recommend that we cease and desist this exercise. If they have a bill, they should present the bill and let it go through the administrative channels here. If there is a need, let the committee OK it, and frankly, I do not think there is. As long as the director of administration believes we have been provided with a reasonable bill for services provided, pay the bill.

Mr. Owen: I just wonder if the Speaker could clarify something for me. As I understand it, it was proposed that some additional services be made available like, for example, the Whipper Billy Watson—

Interjection.

Mr. Owen: That is not the case.

Mr. Breaugh: It is part and parcel of the agreement that was signed with TVOntario that it provide us with that expertise. I think, to be fair, what TVO is saying is that it is now running into a little more cost than it had originally anticipated under the original agreement. All I am saying is, send us a bill.

Mr. Owen: But is it because of these extracurricular activities?

Mr. Breaugh: That is what the agreement is about. We did not want to

go and hire an administrative staff, so we entered into an agreement with TVO to use their administration and their expertise to advise us in these matters.

Mr. Owen: Mr. Speaker, I understand that applied to our operation here. Do I understand that the facilities have gone somewhat beyond the walls of this building?

Mr. Speaker: Maybe some of the members of the committee do not understand what really takes place here. I sometimes wonder if I really do myself. We have five cameras in there, and somehow or other we get a picture that is sent out in two directions, one to TVO and one to TOC, Toronto operations centre; that is Bell Canada. In other words, we pay for it to get it that far. We pay everything right here in the Legislature to get it to that position. Then cable companies can buy it from TOC, Bell Canada, or we, as the Legislature, pay TVO to send it up to the satellite which can be picked up by the cable companies or by TENO, television extension in northern Ontario.

Mr. Owen: But each time there is an expansion, we have to involve—

Mr. Speaker: No. That is there for 24 hours a day, as I understand it. Then there is some free time and requests have come here through the Speaker to the committee for use of that time for nonprofit organizations. Then we go to TVO to ask: "Does that come under our licence? Can we allow other people?" We ask for that advice?

Mr. Owen: But we are allowing other people to come in and use the same facility and that is where the extra costs come in.

Mr. Speaker: No, only partially.

Mr. Owen: In part.

Mr. Chairman: Can I just interrupt here for a minute? Mr. McClelland would very much like to ask a question. He has to get away.

Mr. McClelland: Actually, I think it has been said by Mr. Breaugh and Mr. Sterling. We are trying to deal with something we do not have a great deal of expertise in. You may find out that five per cent was a bargain. That is, I suppose, the risk you take and we have to take a responsible position on this. We have to find someone, people who know the business and can give us that advice. I think it has been said and I hate repeating what has already been said, but I think that is it in a nutshell. It seems to be we want handles on it. I do not know how to put those handles on it. Somebody in the business does. We have somebody coming on board—

Mr. Chairman: The other aspect of course, Mr. McClelland, is that we should get these various questions from the members of the committee because, in preparing the report, the director, in consultation with Mr. Bowers and other people, would like to be able to read Hansard and find out what the questions are, so that report may be a full report. If the questions are raised here, that will help.

Mr. McClelland: I think it is important we recognize, as I said, that perhaps it may ultimately, in retrospect, turn out to be generous, but I think that is the price you pay for doing a job, and so be it.

Mr. Owen: I was going to concur with that as well, that we probably should wait until somebody is here to give some guidance. I was simply trying

to find out—there have been suggestions made that there are some additional costs because of our making this facility available. Someone, somewhere, asked, "Can these costs be recovered from where assistance is being given, such as the Whipper Billy Watson campaign?" If there was some expenditure made on their behalf, the question was asked, and I do not think I ever heard the answer, why could they not have reimbursed for that particular charge?

Mr. Speaker: They were before this committee on November 26, 1987. TVO was asked whether there would be any costs and it said no.

Mr. Owen: They said no. Then when there was, we thought we should bear it rather than them; I see. Maybe we should consider making it a policy that if we ever make the service available in the future, we should let them know that if there is any cost, maybe they should contribute towards it.

Mr. Speaker: I think that has been discussed at this committee before. There are other companies that they can receive those services from at a fairly expensive cost. However, they have taken the route to come through here and see whether they can get those services.

Mr. Chairman: To give you an example, for Whipper Billy Watson, that particular fund-raiser, I think it was \$14,000. The alternatives were of getting it for \$14,000 or getting it, in quotes, free here. Since it was a charitable thing, the committee felt it was a good cause and decided to try it, not as a precedent but to try it.

Mr. Owen: Maybe there should be some report back as to what was involved and how successful it was.

Mr. Chairman: I think, Mr. Owen, to be fair, what the committee wanted to do was to try two, three or four of these things to find out what some of the problems might be before a policy was developed, rather than developing a policy and then changing it because—

Mr. Owen: That sounds fair.

Mr. Chairman: Yes.

Mr. Campbell: I can see the quandary Mr. Bowers is in because if he were running a normal production house and allocating the cost to a normal production, if I can use those terms, he would build in all his costs. It seems to me that he does not pay staff and he does not pay the capital cost of the system, but he does have the line charges after the production or kind of post-production costs, in a manner of speaking.

It is sometimes difficult, but I suggest that there is a way of properly allocating those costs and coming back to the committee, in that you would have to charge the portion of time that it takes your engineers, yourself and all of the other things and then have those figures on paper. I think Mr. Breagh then would be more comfortable dealing in that situation. Because I have been in a production situation, I know those costs are there and they are fixed. I guess when you have in-house production costs—

1650

Mr. Breagh: You are not charging us for this advice.

Mr. Campbell: No, I am not. This is free, gratis advice; I hope it is not gratuitous.

Seriously, I think if it was a normal relationship, you would be paying a big buck to provide the service because it is large dollars you are talking about. However, that may be the way out of it and then this committee can see something on paper saying, "This is what it costs to run that portion of the service." That is just a suggestion.

Mr. Sterling: I suggest we refer this to the director and have the director come back and make a recommendation to us.

Mr. Chairman: Mr. Campbell was the last person on the list, so you are next. The motion then is to refer it to the director for a report. When that report is prepared, the director will inform the clerk and we will reinstate it on the agenda.

Mr. Speaker: I appreciate that. I asked if the committee would review some other things.

Mr. Chairman: Yes.

Mr. Speaker: I just wonder if they could do that prior to the executive director of assembly services looking at it. In other words, what we would like is a policy or some guidelines. I think that has to be established, because if you are going to allow 75 people to use it over a period of a year, then there are going to possibly be more letters written about it. There would be more costs.

Mr. Chairman: The problem, Mr. Speaker, is this: I am not sure whether the committee wants to develop a policy before it has the costs before it. What they want to do—I gather that is the purpose of the director, to bring before us a report as to what it is going to cost us to expand the service, including the expansion of the licence.

Mr. Speaker: Sorry, Mr. Chairman; I just do not quite follow you there.

Mr. Chairman: Go ahead.

Mr. Sterling: I do not know how much more the cost is going to be for two, five or 75. Then we will form our policy. If TVOntario says it is going to cost an extra \$1,000 a year to do it five times, then we know what ambit we are in. I imagine it is going to be five times a year max, but if it is going to be—I have nothing to make a decision on here.

Mr. Speaker: OK. While you are reviewing that, I hope you will review the other things I suggested in my opening remarks. Also, if I could ask the committee, we have had discussions in the past of use of the television services in the chamber and in committee rooms for other things than legislative proceedings. I wonder if you would take a look at that and make some recommendation to me. It would be helpful because of some of the requests I have had in the past. I have not got into trouble yet.

Mr. Chairman: Mr. Speaker, would you just remind me at this point what your other points were at the beginning of your discussion here. If we

could deal with any of those right now, I would like to deal with the ones that are relevant to this.

Mr. Speaker: One, of course, was the adjustment to the contract. The other was what we were just referring to: should we allow outside agencies to use the service?

Mr. Chairman: That would depend on the cost.

Mr. Speaker: If so, under what conditions? Then I think we really should do a little more research on, can we charge for the use? I know that has been discussed in the committee.

Mr. Lupusella: Can you explain which other agencies might use the service?

Mr. Speaker: I think that is something else you should look at. Then, if you could, continue and look at the use of the service in the chamber and in committees. For instance, I have had a number of requests I have said no to. Two I have said yes to, and that is all.

Mr. Chairman: I see this as being part of the report—with the exception of one aspect there, the use of the chamber—that the director could bring before the committee with options and with costs associated with it, including the expansion of our licence and what that is going to cost and whether we necessarily have to do that and so forth.

Mr. McClelland: Quite candidly, Mr. Speaker, I forget the circumstances in which you made a decision to allow other uses, and the nature of the requests generally. Can you help me with a quick response?

Mr. Speaker: Some political bodies have requested to use it in a committee room and I have said no. There have been two requests. One was for the Order of Ontario, the original one, which the House agreed to by motion. But then the next year, they disagreed to it; they could not use it. The other time was the swearing in of the cabinet. That was when the House was under construction and there were no desks or anything in there, and it was used then.

Mr. Chairman: Ms. McKay, you did not have a chance to respond. Is there anything you want to say at this time?

Ms. McKay: I think Mr. Bowers has said it all.

Mr. Chairman: Thank you.

Mr. Speaker: Just before I leave, I do not get much chance to talk—

Interjection: Order, order.

Mr. Speaker: In regard to the previous discussion, I do not feel I should make any comments other than probably to correct your record. Mr. Breaugh said on two or three occasions that the Speaker would be reporting his decision to a committee. That is not the case.

Mr. Chairman: He would be reporting to the Legislature.

Mr. Speaker: In a point of privilege, I can only report whether it

is or not a prima facie case, and if it is so, then it is up to the House to decide where it goes.

Mr. Chairman: Thank you, Mr. Speaker, Ms. McKay and Mr. Bowers.

The members may want to look at item 2, television broadcast service. We have a number of questions to be answered with regard to that topic, and we have with us Mr. Somerville, who is the acting director of information services. Mr. Somerville, welcome to the committee. You are a familiar face; you have been here before, although not in the same room. Do you wish to make any comments at this time with regard to that topic?

Mr. Somerville: I could speak briefly to each of the items you had on the agenda and also apologize for the service being so popular and successful that it keeps getting demands on your time.

I do not know which one you would like to deal with first.

Mr. Breaugh: Could we do this item by item, since these are fairly straightforward?

Mr. Chairman: Yes. I was going to say to do number one first.

Mr. Somerville: The television monitors?

Mr. Chairman: Do you not have the agenda before you?

Mr. Somerville: No.

Mr. Chairman: OK. Let me just draw your attention to it. The first is television monitors in committee rooms.

Mr. Breaugh has given you a copy. Thank you.

Mr. Somerville: The request came out of this committee and I contacted the Ministry of Government Services and got some prices, which I believe you have in front of you; the options being a small monitor that would fit on the chairman's desk and really be solely for viewing by the chairman and the clerk. The other option was a monitor to be positioned in the most appropriate corner opposite the chairman. It would be the same monitor that everyone has in his office, so it would be controlled remotely by the chairman and we have checked that it can be done at this distance. These are the two options.

There is very little difference between the costs. I think the committee has to decide whether it wants the monitor where they would like every member to see it or for the chairman to really control the viewing of the monitor.

Mr. Breaugh: I do not want to preclude debate, but we did instigate this thing. It was my idea, frankly, that we simply put a monitor in each of the committee rooms, and it is basically that there are a number of occasions when I have bills before the House and committee duties and it is kind of tough to keep track. You have to run up and down the hall.

The preference I have is to take the recommendation that monitors would be available in the committee rooms, according to the diagrams that are there, so that all members of the committee could keep an eye on the proceedings. You could then tell when a vote is being called or what is being discussed and

what is happening. If no one objects to it, I would move that as being the recommendation of the committee. That is, that four monitors be provided, and installed in such a way that all members of the committees could see them. It is basically just putting a monitor in each of the committee rooms.

Mr. Chairman: Is there any particular place you want to put them?

Mr. Breaugh: They have the designs that are here and attached to it, and they are fine by me.

1700

Mr. Somerville: In the actual selection of where the monitor goes, I put them where the cabling already is and where there would be the minimum cost to connect them. In this corner here, the cables are already in that corner.

Mr. Haggerty: In other words, we can do away with some of the other stuff. There has to be a saving here someplace.

Mr. Chairman: There has got to be a saving.

Mr. Haggerty: You just cannot keep on spending in this area continuously. What is it—\$30 million now?

Mr. Chairman: No, Mr. Haggerty. I do not know what you are talking about.

Mr. Haggerty: For the whole television setup.

Mr. Breaugh: Not yet.

Mr. Chairman: Oh no. It is about a tenth of that.

Mr. Breaugh: Sorry, but not quite.

Mr. Campbell: I would support that, Mr. Breaugh, as long as it is only one channel and we do not get to watch As the Stomach Turns when things are getting a little hectic around here.

Mr. Breaugh: I accept the inhibition.

Mr. Chairman: I might say that the pictures will be bilingual.

Mr. Somerville: Yes. On these services—

Mr. Breaugh: The pictures will be; the audio will not.

Mr. Somerville: —you will have the same choices as you have in your offices.

Mr. Haggerty: We never see it in our offices. We are over here.

Mr. Chairman: I guess it is understood that the audio will be turned off. All you will see is the picture, but at least you will know who is speaking and, based on your understanding of what is going on in the House, if it is one of your members and you are going to speak next to that member, you know you are up next. That is the kind of thing Mr. Breaugh is talking about. OK?

Mr. Haggerty: You can buy that at Radio Shack for \$149, or \$69 on special. You can set it up right in front of you here.

Mr. Chairman: Yes, but this one is supposed to work, Mr. Haggerty.

Mr. Breaugh: Could I move the recommendation then?

Mr. Chairman: Thank you. Mr. Owen, question?

Mr. Owen: I feel I must be almost as frugal as Mr. Haggerty, but does it not work if you simply have a person, perhaps a member of your caucus, sitting there and just ask him to get a page bring you a message that you are going to be next?

Mr. Breaugh: Which member of my caucus would you like me to ask, since we have one person assigned to a committee?

The alternative is that I could ask for a recess. We could all adjourn for 20 minutes while I go down and see what is going on. If you find that to be a more frugal alternative, I can accommodate you.

Mr. Owen: No, I think we know we have another member of our caucus there and we simply ask them to let us know.

Mr. Chairman: I think Mr. Breaugh touches on part of the problem that we had prior to the last election and that both the opposition parties have now; that is, a shortage of numbers to be able to service all the committees and yet have somebody running around and letting them know.

Some people may see this as a distraction, but I might say that I went through an interviewing process not very long ago with some of the other members of this committee and, while we were in that interviewing process, there was a television set on there, the audio was turned off but the visual was on; it was not really distracting and we knew what was going on by just watching it from time to time. That is the kind of thing we envisage.

Mr. Owen: What you are saying is that they have a situation with numbers, and that is correct. I had not thought of that. I was relating it to our situation. Fine.

Mr. Chairman: I think the request is probably very reasonable. I know you understand, Mr. Owen.

Mr. Sterling: Mr. Somerville, how much would it cost to allow the clerk to hear the audio? Would it be quite a bit more expensive to run?

Mr. Somerville: The expanse would be in running a cable from there round to the clerk; the minimal expense being we would do the job ourselves, only for the cost of an earphone.

Mr. Owen: It would be quite a distraction if we were trying to listen to our own deliberations.

Mr. Chairman: Mr. Sterling, we have the ability right now, via the telephone, for the clerk to call the Clerk of the House right now to find out what is going on. That might be just as good as to being able to tune in, because just to hear somebody speak might not tell you as much as being able to phone down and find out from the Clerk of the House what is going on.

Mr. Sterling: I just thought that when the bells start to ring, we usually wonder whether it is a quorum or a vote.

Mr. Chairman: They usually phone in to find out what is going on.

Mr. Somerville: Also, hopefully, you would see that on a graphic, whether it is a vote.

Could I make the point that more and more often the broadcast service is being asked to put monitors in committee rooms when they are used for other meetings, which would be convenient for us, to save us from lugging them around. If you agree to purchase the monitor I have suggested, which are the same ones you have in your offices, then we could use them for feeding video when a guest or a witness was bring video into the committee. So it would be used for more than just one use. We would have multiple uses of the service.

Mr. Chairman: OK.

Mr. Haggerty: I want to raise one other point that maybe we should consider. We have access to our desks up there with a hearing attachment that we can plug in and hear what is going on. Maybe we should have little plug-ins here and carry the little hearing attachment to plug in and we can listen to what we want to hear of the proceedings up there in the House. It is something you carry in your pocket and when you come in here you can just plug in and pick it up without looking up there. I would sooner have it here. The vote could be coming along at any moment. You know who is speaking.

Mr. Breaugh: I am surprised you want to spend that kind of money.

Mr. Haggerty: I bet you it will come in a lot cheaper; it is going to be at less cost than that.

Mr. Chairman: Do not confuse me with the facts. My mind is made up.

Mr. Somerville: I think that could be done technically but I think, as Mr. Breaugh said, it would be more expensive to start wiring all the points. But as you know the government plans to do two more committee rooms' audio and I will certainly take that into consideration when we are redesigning the desks and the audio.

Mr. Chairman: You may want to price that out just to see.

Mr. Haggerty: I have not quite finished yet. I had difficulties at times here hearing somebody over on that side with this sound system and I thought you could have two and that you could plug in either one of them. That is one of the difficulties here, sometimes the sound does not carry that far over to this side.

Mr. Somerville: I promise you the new systems will be better.

Mr. Haggerty: Pardon?

Mr. Somerville: I am saying I promise you the new systems will be better.

Mr. Haggerty: Oh, you are getting some new ones in?

Mr. Somerville: Yes.

Mr. Haggerty: Then maybe you should consider, if you are thinking about purchasing new equipment, that you could work it that way.

Mr. Somerville: Not necessarily in this room. We have got the funds to equip one committee room.

Mr. Haggerty: Lots of times you have witnesses, particularly up there next to the chairman, and you can hardly hear them.

Mr. Chairman: I think, Mr. Haggerty, for the short run-what you are going to have to do is try to sit in the centre seats, so you are more in the centre of where the action is.

Mr. Haggerty: Sometimes it is pretty bare in there.

Mr. Chairman: Look, if you are in the centre, you can hear either way, rather than from here to there.

Mr. Haggerty: I was in a committee meeting this morning and one of the witnesses from one of the ministries was there and you could hardly hear that person.

Mr. Chairman: Ask him to speak louder. Some people do not want to be heard yet they want to speak.

Mr. Haggerty: I am just saying take a look at your microphones up there and you will find that you have three chairs and you may have just about two microphones. It does not pick up that well. I can hear this chairman very well.

Mr. Chairman: Will you look into that, Mr. Somerville?

Mr. Somerville: Yes, I will,

Mr. Chairman: Any other questions? We are in agreement with number 1. Number 2?

Mr. Breaugh: I apologize. I have another meeting going on next door that I would very much like to get to before they conclude. The second item is a matter that we had put before us once before and it basically concerns the matter of some promotional program work.

Just before I go, I am in favour of the recommendation that we use a phasing-in approach to this and that we do the first phase as outlined. I think the total cost is \$47,685. I and members of my caucus are in agreement generally that we should do some promotional work. We are not in agreement that you jump into it whole hog. I think we would like to see that phased in and tried for an initial period of time and then see where we go from there. It seems to us to be a reasonable way to proceed, that there be some information packages prepared and that some attempt be made to kind of make people aware of the use of the Ontario Parliamentary Network and the channel and the facilities that we have. If you would like, I would move that as a recommendation.

Mr. Lupusella: Are you suggesting that the promotional strategy campaign should be done on a trial basis or on a permanent basis? The reason I am raising this question is, how can we assess the effectiveness of the promotional strategy campaign unless we know, in fact, that the money was well

spent for this particular purpose? Do you suggest that it should be done on a trial basis, assess the effectiveness of the campaign, and if the campaign is positive, then pursue it with another campaign?

Mr. Breaugh: The reason I am advocating that you accept phase one as being the initial attempt at this seems to me that that covers a minimal amount of preparation and expenditure and allows us to do just that, to try it on for six months and then make an assessment as to whether it is worth while proceeding into the other phases.

Essentially, I am in agreement that we put together a brochure, get some promotional stuff put together, then proceed to try the first phase of it for about a six-month period, then do our assessment of it and then proceed with the other phases, if that seems reasonable.

1710

Mr. Chairman: Just for the benefit of the committee here and my benefit, can you elaborate on the certificate and plaque aspect?

Mr. Somerville: The plaque would be a presentation made by the members to the local cable companies that carry our service. I have a sample here and it is really to get them on side and to make them proud that they carry the Legislature. I have some samples. There is small satellite dish with a plaque saying "For being a good citizen" or whatever the appropriate wording is and the member would take that and present it to the local cable company.

Mr. Campbell: When you are talking about promotional strategy, I have some difficulty with what your target market is and maybe it is just because it is not in here. With this kind of money, I do not know that you would raise your audience appreciably, if that is what you are trying to do. Maybe Mr. Somerville and Mr. Breaugh can elaborate.

Mr. Somerville: Our target market for phase 1 is really the cable operators. By supplying them with this promotional material, hopefully, they will get it out to their subscribers. They will end up doing the work for us. We provide them the material.

In September, there are five new satellite services coming on stream and they will be preparing promotional packages to promote these five new services. By supplying them material from our service, I am hoping they will include it with the five they are already mailing.

Mr. Campbell: No, I am not clear. When you say the cable services, you are saying that some cable services do not carry the Legislature?

Mr. Somerville: A few do not, but I am trying to really up our profile with the ones who do carry it. The plaque the members would give would be to cable companies that already carry our service. I am trying to raise our profile so that they tell the customers, the viewers, that we are a service, we are on channel 39 and they should watch.

Mr. Campbell: I still am not sure. I hate to get into a plaque war because we already went through one on another part of this job that I would not want to repeat, but I am not talking about the plaques. I am talking about the whole principle of promotion. If you are trying to reach the audience who are viewers, why would you deal with the cable service if in fact the majority of cable companies carry this already? What are you achieving?

Mr. Somerville: The cable companies carry us, but I am not sure we have all the viewers we could have on the cable companies. From a review done of the viewers, I think we caught the channel switchers and we caught the interested parties, but all the viewers do not know that we are on the service. By getting print material to the cable companies, who then provide it to the viewers, I am hoping we will catch a few more subscribers.

Mr. Campbell: I am still having difficulty, because for \$47,000 you are trying to target the whole province.

Mr. Somerville: No, the cable companies.

Mr. Campbell: Through all the cable companies. You are asking them to—

Mr. Sterling: They are going to have to distribute 100,000 brochures.

Mr. Somerville: They will distribute our brochures.

Mr. Campbell: But 100,000 brochures would not raise your market 0.0001.

Mr. Somerville: No, the 100,000 brochures will be given out to people who come to the assembly. We are hoping to give the cable companies promotional material and that they will then promote the service. When they are promoting these five new channel services, we will give them logos that say "Ontario Parliament is another cable service" and they will promote that with the five new packages. We are not pushing anything to the viewers in phase 1. The viewers come in phase 2 when we are doing a mailing, the billing stuff of a 100,000 potential viewers.

Mr. Campbell: I suggest to you that this \$47,000 would not begin to promote a service that, quite frankly, if the ratings are there and people watch—if they are interested, they watch; if they are not interested, you would have to spend millions of dollars to try to up your profile, if that is what you are trying to do.

Mr. Somerville: We just have to make them more aware. It is not a high-profile selling job. As you say, for \$47,000, we are trying to piggyback on other people's expense, other payable promotions that will be going on in September.

Mr. Campbell: I realize that. I will leave it but I do not know that it is money well spent.

Mr. Breaugh: Would you be happier, for example, to do the first and second phase together? The second phase does have the direct mail aspect to it.

Mr. Campbell: No, because in my experience I do not think—I know what you are trying to do. This is not a regular television. You are not trying to do a sitcom here, although some people might say it is already there.

Mr. Breaugh: A tragedy.

Mr. Campbell: A tragedy. The point is I still do not understand if you are trying to raise the market or if you are trying to raise viewer awareness or if you are trying to raise the cable companies' participation in showing the service when in fact they already get it. I still do not know what

your target is, and for \$47,051, you would never get your audience raised appreciably, which I think that is what you are trying to do in the final analysis.

Mr. Somerville: That is what we are trying to do, to raise the audience. But just to give an example, this is from the Cable-Satellite Public Affairs Network, the American Congress and the Senate television service. What happens is that they mail this to cable companies and then when a salesman from the cable company goes out to sell the service, he happens to have more information on C-SPAN, just as I would like the salesman from the cable company to have more information on the ONT.PARL service.

We would give him the background, the information, the brochure, a poster. So then he would know the service. He would know that parliament sits from 1:30 p.m. to 6 o'clock Monday to Thursday. He would know that it was private members' bills on Thursday morning. He would be able to promote our service and tell what we are up to.

Mr. Sterling: I have two problems with this. First of all, what I think you are really creating here is a public relations department for our service. I have trouble in terms of the philosophical context. We have an electronic Hansard service. That is what we decided in the Legislature of Ontario to do. We did not decide that we were in the entertainment business or a new channel on television to provide entertainment for the people of Ontario. I have some problems in terms of promotion as such. My feeling is that the service should be available and if the people want it, they will turn their television sets on and that will eventually get the cable people there.

Second, the trouble that I find here is that for \$15,000 for six months, you are not going to get very much of a person, in my view. If you want to do that and we agree to do that, then I think you are about two thirds of the way there in terms of that money.

Third, once you hire somebody on a six-month basis, then as far as I can see, that person is a permanent fixture around here who will never leave, and we will have a promotional manager from now to eternity. Now, if that is what the committee wants to decide, fine and dandy, but let's do it the right way. If you only have \$15,000, I do not think you are going to get a decent person to work there.

Quite frankly, if the committee wants to do this, I would prefer to contract the whole thing out to an outside firm and say: "We want to do this. This is basically the outline. Give us a price to do it." Then we do not have ourselves stuck with a promotion co-ordinator to whom we are going to have to say after six months, "You are gone." You can hire this kind of service outside of hiring somebody.

Mr. Chairman: The other option you have is that you have already referred one matter to the new director of legislative services. You may want to refer this. It is up to you.

Mr. Sterling: This is more a philosophical decision I think. Is that what we are about in terms of electronic Hansard? I did not think it was a TV service. It starts to take on the aura of another TVOntario.

Mr. Lupusella: In my interpretation, the promotional campaign is a

temporary feature; it is not a permanent feature of future projects that the service would bring before this committee. If it is done in the short term, I do not have any particular concern. If it is done in the long term, I should agree with you that it should be contracted out.

Mr. Sterling: If you hire somebody in this place for six months, you have hired them for life. That is what happens around here.

Mr. Chairman: OK. Any other questions?

Mr. Haggerty: Yes, just following along on Mr. Sterling's comments. When you look at the suggested package of this whole promotional strategy program, it is \$150,000 for Anthony Long and Associates. You are looking at that and you may get a director in for the first eight or six months at \$15,000, whatever it may be. But the question is: What are your objectives? When you take a look at the number of voters who turn out at election time, what would you get? You may get about 30 per cent of the electors out, or 35 per cent. How much?

Mr. Sterling: It is 65 per cent.

Mr. Haggerty: But in some cases, it is lower than that.

Mr. Sterling: Well, municipally, that is.

Mr. Haggerty: I am talking about provincially. In some areas, the turnout is smaller than that. I think mine runs about 51 per cent. But I am just saying, you are only hitting about 50 per cent of the market out there, the people really concerned about politics, and that is what you should take a look at.

Mr. Chairman: Do you know one thing that we are not doing and that might help to expand the viewership somewhat? All of us have newsletters that go out. We can put out up to three a year. If you were to prepare something in conjunction with the various research offices, members might take advantage of it and put something in their newsletter.

It would not have to be a big thing, but it would be something you could do. It is already there, something the public is paying for, and it gets to every household in the province. If you want to cover the households of the province for virtually nothing, then there is a way of doing it. I would like to think everybody scans my newsletter report day after day after day and takes great advantage of it.

Mr. Sterling: If you came in to me—

Mr. Chairman: Is that a supplementary to Mr. Campbell?

Mr. Sterling: He cut into my time.

Mr. Chairman: OK, Mr. Sterling, I will believe you.

Mr. Sterling: If you came in to me with a proposal that you needed a public relations person to relate to your cable television, I might very well approve somebody at \$45,000 per year on that basis. But in terms of not having a real direction—I do not see that the material, quite frankly, relates to the job that has to be done. I do not follow all that kind of thing.

I do not think you are going to get the quality of person for \$15,000

for six months that you need in that kind of a job. If you are dealing with people who are managers of cable TV, you need somebody who is pretty sophisticated and knows what he is talking about when he walks in.

Mr. Somerville: I thought I was going on the committee's direction, that you wanted a phasing-in and a breakdown. The answer in the Long proposal really did come up with a year's plan to say, "This is what you need. These are the tools that person would need to do an effective promotional strategy campaign."

Mr. Lupusella: Do you have any objection to the suggestion made by the chairman of the committee?

Mr. Somerville: No, I think it is a great suggestion. That would be part of the plan. In the Anthony Long proposal, there is a sentence saying that we should use that medium to communicate, and that would be part of the plan.

Mr. Lupusella: So are you telling us that if you agree with the chairman's position, you do not have to support the second option here of a promotional strategy campaign? Can we move a motion to delete that? Do you have any objection if we move a motion to defeat that proposal?

Mr. Somerville: Then to pass phase 1?

Mr. Lupusella: To eliminate phase 1 and phase 2 and accept the principle of the recommendation made by the chairman that each MPP will advertise the program and the service in the newsletter that is printed three times a year by each member and is done for free.

Mr. Somerville: I think that is something I should take advantage of and I plan to. Recently, I have not had as much time as I would have liked to visit members. You remember last year you saw a lot more of me in your office than you have seen of me this year, when we are two staff members short. But that has always been a plan we have had and wanted to execute, to get more information to the members and use them as our sales force, if you like.

Mr. Chairman: I think we are going to have to defer this matter. Members may want to defer it. I will entertain a motion if you want to make a motion on it.

Mr. Breaugh: Yes. Would you like a proposal to simply table this and consider it again? I hear different messages here. I hope there is nobody here who is opposed to the idea of informing the general public and the cable operators of the fact that we have this service available. But I am not comfortable with the notion that we are going to spend our afternoons sitting around deciding whether we do a brochure. I do not feel that is why I am here.

I listened to Mr. Sterling's proposal that we hire a full-time person to do promotion for it, and I am quite happy with that. That is far more extensive than the modest proposal that is here. Maybe it would be better to simply table the matter for this afternoon and to see if we can come back with some other ideas on staff, budgets and things of that nature.

Mr. Chairman: It may be something that we can consider. Mr. Campbell, I will let you on because you have not finished your questions. Then we will entertain Mr. Breaugh's suggestion to table the matter until a future opportunity, so we get a chance to study this matter.

Mr. Campbell: I really would have some difficulty with hiring an outside consultant to do any of it. I think if you want to use the reasoning that you would have somebody for six months, that outside agency might promote two, three, four or five staff that have to do all of this work.

I guess you have to address the basic philosophy of whether the \$150,000 ultimately will do what you want it to do. Before you do that, you have to target really what you want to do. Do you want to increase viewership? There may be another strategy here. Do you want to increase participation by cable companies? That is another strategy. I am not sure that what precisely you are trying to do for the dollars is addressed in here and I would support a tabling motion by Mr. Breagh until that is resolved.

Mr. Chairman: OK. We will table that motion until a future meeting, then.

Item 3: Costs related to television broadcast service.

Mr. Somerville: I was just asked by the committee to provide these costs and to respond if there are any questions arising from them.

Mr. Breagh: That was I think just a request at a previous meeting that the committee wanted to be kept up to date on the budget and on whether you were over or under budget. So I think we can just accept that as tabled.

Mr. Faubert: There is just one thing on the top of this page. Is this the exhibit 1/02/15 you were referring to?

Mr. Breagh: Yes.

Mr. Faubert: It is where it says "TVOntario satellite telephone uplink" and gives the figure \$1,341,000. I thought it was \$1.4 something here. Is this not the same number?

Mr. Somerville: No, you found the hidden mistake. The actual figure does not include the federal sales tax which, as you heard Mr. Bowers saying earlier, we are protesting. But from what I am hearing, we will have to pay that tax, which is \$121,000, 10 per cent communications tax.

Mr. Faubert: Is that the new communications tax that goes on all broadcasts, including emergency radio transmissions and everything?

Mr. Somerville: On everything from telephones to satellite transmissions. So if you add that communications tax, which was approximately \$121,000, it will make that figure.

Mr. Chairman: OK. We will accept that as being received.

Item 4: Seating arrangements for committee rooms—Status report.

Mr. Somerville: On that, you will see from the letters enclosed that the designer at the Ministry of Government Services is to get back to me on June 13. I can only report that I have given him all the input I got from committee members and I know your requirements for a committee room. He is to come back with some plans on June 13.

Mr. Sterling: I want to thank you for your patience with us.

Mr. Breagh: Stop asking for small amounts of money. You confuse them.

Mr. Chairman: Thank you, Mr. Somerville. We appreciate your being before us.

I want to remind members of two things. One is that you will recall that we were invited by Sidney Linden, the Information and Privacy Commissioner, to come to his offices. I think that is scheduled for next week.

Mr. Breough: Would you ask him if there is a charge for that?

Mr. Chairman: I understand there are only three who have responded so far. Most of the members here are not permanent members, but I am sure you are welcome, if you want to go. We would like a response from the various members as to whether they are going. I guess what we are going to have to do is get the clerk's office to call the various members and ask them specifically, although if you know now, please tell the clerk.

The other item, which is on the agenda next week, is food services. If members want to appear before the committee with some concerns, we will have the data from the survey which we can discuss. If they want to appear before the committee with particular concerns, we will let them know and they can do that.

If there are no further items, thank you very much. This meeting is adjourned.

The committee adjourned at 5:32 p.m.

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STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

LEGISLATIVE ASSEMBLY AMENDMENT ACT

WEDNESDAY, JUNE 15, 1988

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

CHAIRMAN: Epp, Herbert A. (Waterloo North L)

VICE-CHAIRMAN: Morin, Gilles E. (Carleton East L)

Breaugh, Michael J. (Oshawa NDP)

Cordiano, Joseph (Lawrence L)

Faubert, Frank (Scarborough-Ellesmere L)

Johnson, Jack (Wellington PC)

McClelland, Carman (Brampton North L)

Polsinelli, Claudio (Yorkview L)

Sterling, Norman W. (Carleton PC)

Sullivan, Barbara (Halton Centre L)

Swart, Mel (Welland-Thorold NDP)

Substitutions:

Black, Kenneth H. (Muskoka-Georgian Bay L) for Mr. McClelland

Daigeler, Hans (Nepean L) for Mr. Morin

Clerk: Forsyth, Smirle

Staff:

Yeager, Lewis, Research Officer, Legislative Research Service

Witnesses:

From the Office of the Assembly:

Perry, Colin, Manager, Food and Beverage Services

Ponick, William, Controller

From the Ministry of Agriculture and Food:

Riddell, Hon. Jack, Minister of Agriculture and Food (Huron L)

Gander, Gary R., Trade Marketing Specialist, Domestic Market Section

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Wednesday, June 15, 1988

The committee met at 3:41 p.m. in room 228.

Mr. Chairman: I want to introduce a new member of the team. Mr. Bedford has left the employment of the Legislative Assembly and has moved back to Montreal. As you know, he replaced John Eichmanis. His leaving the committee was more a need to get back together with his wife, who teaches in Montreal, than a reflection on the committee itself, since he really did not have a chance to get to know the members very well. Had he, I am sure he would have wanted to stay here.

Lewis Yeager has done a considerable amount of research and is a research officer with the legislative research services. Welcome to the committee.

If members have particular concerns with regard to research as it concerns this committee, they should contact Mr. Yeager. I hope you enjoy your stay with us and I hope it is much longer than Mr. Bedford's stay was.

Mr. Yeager: Thank you very much.

LEGISLATIVE ASSEMBLY AMENDMENT ACT

Consideration of Bill 112, An Act to amend the Legislative Assembly Act.

Mr. Chairman: The first item on the agenda, the members will recall, is Bill 112, which was an initiative this committee took and put on the legislative agenda.

You will recall also that you had before you some views of the legislative counsel. Essentially, there are two things we may want to take into consideration here. One is that there is some further review and information that we should get, and the other is the need to draft a bill so that it would be constitutionally correct.

I spoke to the clerk about this, and he suggests that what we might want to do, if committee members want to do it, is ask that the bill be redrafted or that an amendment bill be drafted to the bill to make it constitutionally correct. We could take it to the House leaders tomorrow and get them to put it on the agenda at their earliest convenience. The other aspect is to pursue the bill with regard to the other matters that we are trying to incorporate with respect to serving of summonses and so forth. Those are two directions that the committee could take.

Clerk, do you want to mention anything further on that?

Clerk of the Committee: I do not know that I can. As a result of the bill's being introduced, the House leaders sent the matter to legislative counsel, and legislative counsel referred it to the constitutional law office. They have come back saying there are questions with regard to the enforcement sections of the bill and the Legislative Assembly Act that could be

constitutional questions. The House leaders wrote back saying they recommended that the committee examine this again and perhaps take into consideration a review of the act and the enforcement sections specifically.

I spoke to legislative counsel, and as a result of our conversation, he drafted an amendment which would correct the concerns that were raised by the constitutional law section. In effect, what it would do is take the enforcement away from the Legislature and put it into the court so that you would get a body which would adjudicate fairly. There is a concern that the Legislature, as adjudicator, is also the prosecutor and everything wrapped into one. The concern was that would infringe the Canadian Charter of Rights and Freedoms.

The other suggestion that counsel made was that the committee could then take the whole act at a later date, review the enforcement provisions in the act and make recommendations perhaps that would bring it in line with the Charter of Rights and Freedoms.

There are no problems, he assured me, in having two different enforcement provisions in one act, so that although you are dealing with a matter of service in the bill, it would be correct constitutionally. Regarding anything else under the act, there could be a constitutional challenge made on the enforcement provisions, but that is not something we are dealing with specifically here.

Mr. J. M. Johnson: I have a personal concern about this and what would be a related matter. I received a phone call yesterday from an individual who serves summonses, or a process server, or whatever, saying she wanted to make arrangements to meet with me to serve me with a summons.

I made a few inquiries. It turns out there is a hearing of the Ontario Municipal Board north of my riding, in the neighbouring riding, Mr. Lipsett's riding, the riding of Grey. I am being requested to attend as a witness—not requested, but subpoenaed.

I suggested that since the House is sitting, it would be impossible for me to be in that riding on Monday and Tuesday of next week and serve my responsibilities as a member. I made some inquiries of some of the legal people at Queen's Park. One chap advised me that my first responsibility was to be in court and I could not escape that.

I then checked with the Attorney General's office and spoke to Dick Chaloner, the Deputy Attorney General. He suggested that I talk to Tom Marshall, the director of the crown law office in the Ministry of the Attorney General. Mr. Marshall took a different interpretation. He said that while the House is in session, a member cannot be served within the premises of the Legislative Building. It is a breach of a member's privilege. That is what we are dealing with, I assume, with Bill 112.

Then he goes on to say, and this is my concern, that if a member is served outside of the building at the time the House is in session, he is not compelled to respond on the grounds that it would interfere with his work as a member. A member must be allowed to discharge his responsibility without interference. I think when we are addressing Bill 112, we should all be addressing that point. This is coming from Mr. Marshall, whom I respect, of the crown law office.

But why are there so many interpretations? Why do different people not know the reality? If we do nothing else, could we not clarify the point so that we as members know where our grounds are?

One of the people I talked to, an extremely knowledgeable individual, said that I had to appear and that I would be away as long as the OMB hearing went on. It could go on for months. I do not relish the idea of spending the next year at an OMB hearing up in Egremont.

Mr. Chairman: Mr. Johnson, as I have advised him, can raise this as a point of privilege in the House. It does show the necessity of clarifying the legislation as it pertains to members because, before this, as an example, we had made a distinction between being served and not being served and where you are served. But now we are making a distinction about being served and that you do not have to be. They can serve you, but you still do not have to go.

Mr. J. M. Johnson: That is if the House is in session. I find it extremely difficult to accept the rationale that you should be there in court, but if the House is not in session that is a different story.

Mr. Marshall goes on to say that if a member is served he should refer the matter to the Speaker. The Speaker should then refer the matter to the crown law office of the Attorney General, which would arrange legal representation, and the OMB or the court would be advised. Does that make sense? Has the Speaker in past years had to rule on something of that nature?

1550

Clerk of the Committee: You owe your duty to the House first and foremost. That is what you are elected here to do, to serve the House. While the House is sitting, you have an obligation to be in attendance, whether it is in committee or in the House.

I think you can accept service, but the argument you can raise before the tribunal is that your duty to the House requires you to be in Toronto, that you are willing to be there on another occasion and put that case forward to the board.

Mr. J. M. Johnson: Even that, I would submit, would be open to argument. If I were charged with something, for example, murder, I assume that I would lose my responsibilities here and would have a prior commitment to be in court. But for something in the nature of a witness, something in the nature of the Ontario Municipal Board, would there not be a rule or a level at some point in time that the importance of being in court would supersede the importance of being at Queen's Park?

Clerk of the Committee: I think if you were charged with a criminal offence and arrested, you would obviously not be in a position to be in attendance in the House.

Mr. J. M. Johnson: Should we not clarify it? A witness for a murder, I would think—

Mr. Chairman: Mr. Johnson raised an important point. We have to get away from civil and criminal cases and so forth. But the other important point is that you have a majority government and there is not a big concern. But let

us assume he was obligated to be in another place at a time that a vote was taking place in the House regarding confidence in the government.

By his being absent, the government could lose a vote—if the person were on the side of the government—because he was not present because he was required to be in court. It does raise the importance of getting this thing resolved.

Mr. J. M. Johnson: Such as the Manitoba case.

Mr. Chairman: Mr. Breaugh has a comment, and then I think we should leave it, but it does beg the urgency.

Mr. Breaugh: I am not really happy with the legal opinions that we have had provided to us. To tell you the truth, I think no matter what we do, at some point in time there will be a challenge to the courts, probably under the charter. I think that is inevitable, and I do not think there is anything we can do about it. To put this over to the provincial offences court rather than the assembly rather defeats the notion somewhat of privilege and things that I think are important to us.

I agree that we probably should not deal with this matter today, but for what it is worth, I am not happy with the suggestion that an amendment be put to put it over to the provincial offences court. I would prefer, frankly, that we do the larger review of the Legislative Assembly Act. In the interim, if someone chooses to challenge the Legislature's right to pass such a bill, we will simply begin the inevitable process of somebody going to court under the Charter of Rights and Freedoms to test that out.

Since that is going to happen sooner or later anyway, I do not know why you would try to forestall such a thing. It seems to me that even if you did provide penalties under the provincial offences court, someone would still challenge the right of the assembly to lay charges even against someone else or to put the matter to a court.

I do not see how you get out of a challenge under the charter no matter what you do. I think the inevitability is that someone will at some point in time challenge the right of the assembly to have anything like a matter of privilege in any way, shape or form. Why diddle around with the thing? Why not let them get on with the challenge? I think it is important that we establish that the rights of a parliament are important.

As to the point that Mr. Johnson has raised, I have been served with subpoenas within the premises. I raised it as a matter of privilege. The Speaker of the time simply informed the law office that had issued the subpoena that it was not in order and that was the end of it. So we did not go to the Attorney General's office or to anybody else. Everybody read up the precedents on the matter. The Speaker informed the law office that the service of that subpoena was not proper. They accepted that and that was the end of it.

In dealing with the proposal for Bill 112, my preference would be not to entertain any amendments but to stay within the Legislative Assembly Act as is and to have us conduct a more thorough review of that act at some subsequent point in time. If somebody wants to challenge that, let him do it.

Mrs. Sullivan: First of all, I want to raise a procedural concern. I did not receive the background material for this discussion until I was

leaving for the House this afternoon. Frankly, I think this is a matter of adequate importance that I should have had the material in advance, as should other people on the committee, so that it could have been reviewed.

I share some of Mr. Breaugh's concerns about removing power and obligation from the assembly to deal with breaches of privilege in the assembly. I have not been able to thoroughly review the major decisions that legislative counsel have cited in relationship to this issue. Clearly, there is some concern. Frankly, I want to spend more time at it.

I think there are many areas of the Legislative Assembly Act that need updating and that it would be appropriate to address these matters in the context of a full review of the Legislative Assembly Act, which would cover both the picayune and the matters of major importance relating not only to privilege but to other matters relating to our House activity.

I really do not want to deal with this today because I have not had time to look at the material.

Mr. Chairman: That is a good point. I will tell you we had not intended to deal at length with it. Your point just underscores that.

What we will do, with the permission of the committee, is schedule it again next week for the agenda and then make sure the members all have the 12-page document which was reviewed by Elizabeth C. Goldberg regarding section 45 of the Legislative Assembly Act and addressed to Donald Revell, who is the senior legislative counsel. You should have that and be able to read that and also Bill 112 and section 45 of the Legislative Assembly Act. Then we will put it on for next week and discuss it at greater length then.

Mr. J. M. Johnson: You will follow up on the aspect that even if a summons is properly served and the result of that for members?

Mr. Chairman: Yes, the question of a member having to answer the summons, that aspect.

That brings us to item 2 on the agenda today, and there are a number of aspects. First, a questionnaire was circulated to all members regarding both the dining room and the cafeteria. Second, we have a few people with us. We have the manager of food and beverage services and we have the controller with us. We also have been invited to have a tour of the cafeteria.

With regard to beverages, food and so forth, you recall the member for St. Catharines-Brock (Mr. Dietsch) has been in touch with all members regarding the serving of Ontario wines exclusively in the dining room. He wanted to be with us today. Unfortunately, he could not be with us because of a death in the family.

The Minister of Agriculture and Food (Mr. Riddell) had expressed some interest to be with us today and to speak to us for just a few minutes. You will recall also that we have an invitation from the privacy commissioner to go over at 5:30 p.m. and have a tour of those offices to see what is going on there.

What I wanted to do this afternoon was to give the minister a few minutes to make some comments regarding this matter, then go down and have a tour of the facilities downstairs and then come back up and have a brief

presentation by Mr. Ponick and Mr. Perry and questions by the committee, which would give us a chance then to finish by about 5:30 p.m.

Mr. J. M. Johnson: Does that include wine-tasting?

Mr. Chairman: I was trying to hide that from you, Mr. Johnson, but if that is what you prefer—anyway, if the committee is in agreement with that, we can proceed on that basis. That would give us a chance to hear the minister for a few minutes, then go down, have the tour, come back and discuss the food and beverage services and have questions.

1600

FOOD AND BEVERAGE SERVICE

Hon. Mr. Riddell: First, let me thank you for this opportunity to participate in the review of the food and beverage services at the Legislature. I have to say this is the first time I have appeared before a committee since becoming Minister of Agriculture and Food about three years ago, other than the committee which considers the estimates of the Ministry of Agriculture and Food. That gives you some indication of the importance I attach to what I am about to say this afternoon.

As a farmer and as the Minister of Agriculture and Food, I feel it is important that the Legislature be a showcase for the many outstanding foods and beverages that we produce in Ontario. As you know, we produce some of the finest quality agricultural products right here in Ontario. We produce a very wide variety of products ranging from asparagus to zucchini and from apple juice to top-quality wine. A number of my colleagues, including my parliamentary assistant, Gordon Miller and Mike Dietsch from St. Catharines-Brock, have been very active in promoting the use of Ontario products at the Legislature.

The private member's resolution of the member for Norfolk (Mr. Miller) was passed by the Legislature in December 1986, urging the use of Canadian-grown and Canadian-processed food products by all ministries, agencies and provincially funded institutions.

I also note that Mr. Dietsch, who could not be here today because of a death in the family, is hosting a reception featuring Ontario foods in conjunction with the Ontario Grape Growers' Marketing Board and the Ontario Food Terminal. This reception will be at the legislative dining lounge on June 27 from 6 to 7:30 p.m. I plan to be there and I hope to see a large turnout of members for this important event.

All 130 members of the Legislature should be active promoters of Ontario's fine agricultural and food products. I believe Ontario wines and juices should be highlighted at all Legislative Assembly and government functions. They should be promoted and featured on the menu and on the wine list in the legislative dining room.

A wider selection of Ontario wines should also be made available at the dining room. It might interest you to know that when I first came into this Legislature in 1973 there was not one Ontario or Canadian wine listed on the wine list in the members' dining lounge.

I would have to give a great deal of credit to people such as Ross Hall, a former colleague of ours, who raised some concern about not having any Ontario wines appear on the wine list. Since then, we have had them appear on the wine list, but I think we could show a wider selection of Ontario wines than we do at the present time. Ontario juices should also be featured in the government's cafeterias.

Second, Ontario food products such as fruits and vegetables should be promoted and featured in cafeterias and the legislative dining lounge, as well as at all government functions when they are in season. The menu used in the legislative dining room should feature the Foodland Ontario symbol beside each menu item that boasts an Ontario product.

The dining lounge should also institute a series of county/region days which would feature different food products from the various areas of Ontario, such as we had back on May 2, I believe it was when we were celebrating one of our centennial functions. That was the reinstatement of the first Minister of Agriculture, Charles Drury.

The dining lounge co-operated with us by serving Ontario food to the guests who attended that function. I think we should do more of that. I think we should have more of these county/region days which would feature these different food products from the various areas of Ontario.

For example, there could be a Niagara day in August or September featuring many of the peninsula's fine products. Of course, we could have a Huron county day featuring many of the excellent products from that outstanding part of the province.

The suggestions I have made are practical and would not require a lot of time or effort on behalf of anyone. The staff of my ministry's Foodland Ontario branch would be pleased to work with the legislative dining lounge staff, through our food services promotion program to help source whatever quality Ontario products are required to meet the needs of the dining room.

I think one of the reasons the manager of the dining room would give for not featuring Ontario products is that they source from one concern. They source from one supplier. Therefore, if that supplier decides to sell Prince Edward Island potatoes, that is what they buy. If he wonders how he can source our high-quality Ontario products, then we have the people within my ministry who will be glad to work with him to help him source the Ontario products.

I think they should get away from the mindset of dealing with one supplier, regardless of what that supplier sells them. They should be looking at different suppliers to make sure they are handling Ontario products wherever possible.

As I say, my staff is more than willing to work along with them in order to source Ontario products. Overall, I see no reason why the Legislature should not become a showcase for the good things that grow in Ontario. Just remember, as our Foodland Ontario slogan states, "Ontario, there's no taste like home." What better place to emphasize that than right in our own members' dining room.

Mr. J. M. Johnson: First, I would like to congratulate the minister and tell him that I think, without exception, I could support all the points he has raised. Are we going to get into this now? Maybe I will just touch on it.

Mr. Chairman: Just while the minister is here, because after that Mr. Ponick and Mr. Perry are going to take us downstairs on a tour, if you have any questions of the minister, he is not going to be joining us downstairs. He has a few minutes' time, so if you do have some questions he would be glad to answer them.

Mr. J. M. Johnson: I thought he was going to give us a sample of Ontario wines.

Mr. Chairman: That comes after. If you can ask some short questions and we get some short answers, then we can go to Mr. Breaugh and anybody else and be out of here in a few minutes and go downstairs.

Mr. J. M. Johnson: I have a few more comments.

First, there is no reason on earth we cannot be using Ontario food. It is silly to have to use Prince Edward Island potatoes for whatever reason. Let's use the ones grown up in Dufferin. That is my riding or it used to be. The county/region days idea is an excellent one. I do not think, if the ministry will support the staff, that it should be any problem.

The Legislative dining room, in my opinion, should only serve Ontario wine, regardless of the questionnaire. The questionnaires can be slanted in such a way, but it is my understanding that the imported wines are priced way too low. If people can come in and buy imported wine at much below the retail price in most restaurants, naturally they will do so. We have enough selection of Ontario wines that we can have any price range that they want. If we cannot in this Legislature insist that we sell Ontario wine or promote it, then we are way off base.

Hon. Mr. Riddell: I might just comment that the General Agreement on Tariffs and Trade may have something to say about that.

Mr. J. M. Johnson: Within the framework of GATT.

Hon. Mr. Riddell: It would be very difficult, I think, to promote only Ontario or Canadian wines, but I certainly believe we can show a much wider selection of Ontario wines on our list. But I do not think we would get away with serving only Ontario wine.

Mr. J. M. Johnson: All right. But then let's price the imported wines at the appropriate price. That we can do.

Mr. Polsinelli: In terms of quality or in terms of taste?

Mr. J. M. Johnson: It is my understanding, and there was a write-up in one of the papers several weeks ago, or maybe even longer, which referred to the fact that the cheapest place to buy imported wines was this legislative dining room. They mentioned a couple of wines that were drastically underpriced, \$5, \$6, \$7 a bottle, comparable to over on Yonge Street or someplace. It would be \$20 less. Anyway, I think we should take a realistic look at the price of imported wines and sell them according to the other retail restaurants.

The last point is that there is no reason at all that we should not have a complete showing of Ontario juices, apple juice, grape juice, V-8 juice and tomato juice. I do think in this instance that we should allow citrus fruit juices, but we can certainly show the Ontario produce.

1610

Mr. Black: That would not be possible under free trade, would it?

Hon. Mr. Riddell: I think we could get by with juices. In that regard, I would like to give a lot of credit to the clerk of your committee, who has worked very hard to see that, I believe it is, Wiley's juices are made available for committees and for other functions that are held in these facilities.

Mr. Breaugh: A couple of quick things. I think we are in general agreement that there is a great missed opportunity here as the place to display goods that are produced in Ontario. I think there is nobody here who has a problem with that.

I would like to get to some of the practical problems that may emerge. Do you think it would be possible to work out some kind of joint venture with the ministry to do something that would upgrade the facilities and upgrade the number of occasions when it would be used as a showplace because there is not much sense—well, there is some, I suppose—in showcasing Ontario's products to 130 Ontario politicians. If we are going to do something that has any real benefit to farmers in Ontario, it has to be shown to a slightly wider market than that.

Would the ministry be interested, for example, in entering into some kind of joint venture which incidentally would probably assist in upgrading the facilities here and the kinds of foods that are served here? But in a broader sense it would do something on a marketing basis for people who are producers in Ontario. Is it possible to work out some kind of an agreement like that?

Hon. Mr. Riddell: Just off the surface, I would say that it is possible. We would have to have a slightly different attitude around here on the part of the powers that be.

Just let me give you an example. I know it may be bit of a deviation from what we are talking about right now but when we did have that re-enactment of the first Minister of Agriculture, we wanted to display Ontario products in the Legislature.

We were told we could not do it. We even wanted to display them down in the area of the dining room, set up tables and actually display Ontario products. We were told that that type of thing was not allowed, that it would be setting a precedent and all the rest of it. I would like to think we could enter into a joint venture, but there has to be a little change in attitude on the part of people who have the say as to what we can and cannot do in these precincts.

Mr. Breaugh: Just to pursue it a bit, the first practical problem you run into is that we would very much like—I think a lot of us—to get the dining facilities out of the basement. I do not know of anyone else who goes down in the cellar to eat. But to do so is going to be difficult.

I think one of our problems is going to be whether we can do something that would be an advantage to your ministry, an advantage to food producers in Ontario that would increase the access to the product displays and that would be used so that if farmers in Ontario wanted to have their products shown, we would have a place that is worthy of showing them off.

It would be used by the industry as a whole as a showplace, so that if they wanted to have an event which was designed specifically to demonstrate new products in Ontario or existing products in Ontario or to get a market line up and running, there would be a place where they could go and show off. We do not have such a place now but hopefully one of these days we will.

It is difficult. To get back to the dirtiest thing we have to deal with, it is how to finance the dining facility. If it is a nice day like today, nobody wants to go down into the cellar when he can walk within six blocks and find what the world has to offer for food and drink. That is one of the little problems we have. We have to set up and try to run a dining facility that on some days may have 30 people in there. If it rains, it may have 200. That is not easy.

To get to the point where we remove the deficit idea, we remove the idea of subsidizing food services in the building and we provide something that can be used for the members and the people who work in and around the building and also would have other uses, means that we are going to have to spend some time working up these ideas. I believe a joint venture of some sort with the ministry and maybe with the private sector is one thing that has to be explored because we are not talking \$1.95 to do this.

Hon. Mr. Riddell: You can certainly count on our support. Any way that we can do a better job of promoting Ontario products, then I have the staff which will be more than happy to work along with whatever other parties are involved to change the facilities we have at the present time. I well recall that when I first came into this Legislature we had a lovely dining room right up in this area.

Mr. Breaugh: That is right. Right here as a matter of fact.

Hon. Mr. Riddell: It was bright and people enjoyed coming here. I could not agree with you more about a dining room facility in the basement, but of course that goes beyond any jurisdiction that I may have. But Gary Gander, who is my marketing specialist back here, has heard what you have said.

We would certainly be prepared to take the initiative and see if there is some way we could embark on some kind of a joint venture to improve the facilities and also give us an opportunity to use this place as a show window for Ontario product.

Mr. Breaugh: One final point. For example, going back into the survey, a number of people noted the obvious, that there are dining facilities offered in other government buildings a half a block away from here that are better than what we are able to offer here, probably for the very simple reason that they have the advantage of a steadier and a larger clientele.

Would you be interested in assisting in some way to do some kind of program that would attract people to come here to use the dining facilities that we have and as a byproduct get introduced to new food products from Ontario, and that we host a series of special events and try to make this an attractive place where people would actually come from the outside world, strange though that may seem?

Hon. Mr. Riddell: We would be more than interested in doing as you suggest. As I say, I have a Foodland Ontario branch in my ministry that is prepared to dig right in and do whatever it can. We will certainly take whatever initiative we can and do what we can within our jurisdiction, hoping that those who handle the facilities and what not will co-operate as well.

Mr. Breaugh: Maybe it is a simple matter, Mr. Chairman, of the committee expressing its opinion on it and inviting them to join with us in working up these new proposals.

Mr. Chairman: Good suggestion.

Mrs. Sullivan: Thank you, Minister, for being with us today. I wanted to address a couple of things.

The General Agreement on Tariffs and Trade notwithstanding, my personal view is that there should be an assortment of high-quality, medium-priced international wines, including Canadian, served in our legislative dining room.

I think that it is important that we reflect an international point of view here. By including the high-quality Canadian wines, we can indeed show that we are competitive on an international scale, that our better quality wines can meet on an even basis with those which may be here from Spain, Australia, France, Italy and Germany. I think it is important that we do have that supply. Whether it is a requirement of GATT or not, this place should not be always looking in upon itself in terms of the foodstuffs or the wine stuffs.

In terms of the foodstuffs, I wonder if you have spoken with your colleagues in relationship to the parliamentary dining room in Ottawa where I believe there is really quite an attractive model of service of Canadian products, whether it is dairy, meat, poultry or fruit and vegetable product, and certainly where the creative cooking from the dining room makes the foodstuffs even more attractive. Frankly, I am not awfully impressed with the adventurousness of the menus here. Even if we had the finest Canadian product, it is not too attractive on the plate. But I just wondered if you had looked at what is being done in Ottawa.

1620

Hon. Mr. Riddell: I have not personally. Has our branch done anything on it, Gary?

Mr. Gander: With that type of menu idea?

Hon. Mr. Riddell: Yes.

Mr. Gander: We tried to offer suggestions.

Hon. Mr. Riddell: Come on up here. Gary Gander, our marketing specialist. I invited him to come over because he is pretty interested in this whole thing.

Mr. Gander: Thanks very much. What we have tried to do in working with Mr. Perry and his chefs is to try to keep them apprised of the seasonality of the products that are available from Ontario and make sure they can skew the menu, if only slightly, from the normal course to make sure that when the strawberries are in season and he is liable to get a demand for them from members or guests, that he have something available.

I think they have attempted to do that. We do have promotional material, sort of stock material that we make available to all restaurateurs across the province and the dining room has been apprised of that. We have encouraged them to try to do that.

Special events such as the dinner that took place at the beginning of May celebrating the centennial are a good example, I think, of what can be done when a little creativity is supplied. As I understand it, it was quite a success and a lot of thought went into that menu. Whether or not they have the resources or the facilities to do that on a regular basis, I could not really comment on.

I think that is the type of thing that is being referred to here. As to a little creativity and a little effort, if there is any place that is worthy of having that, it is certainly here. We would be more than happy to put our resources behind assisting that. We do have a number of food professionals on our staff who can assist with that type of thing if that is the stumbling block.

Mrs. Sullivan: I think one of the things that I found interesting, by example, is that as part of an agricultural showcase one day or for a period of time, I am not certain how they do it in Ottawa, but they may feature beef that is produced by converters or they may feature Alberta Angus beef. That is the focus of the beef items that are offered on the menu for that day or week or period of time.

While in Ontario we are looking at a pretty broad agricultural sourcing that we could draw from, whether it is a county focus or whether it is a regional focus, it might be something that we could take some tips from.

The other question on sourcing, and I know that this is a problem not only for this dining room but for a lot of other operations including our grocery stores, is where for a period of time during the year fruit and vegetable product is available locally but only for a period of time during the year. To maintain a consistency of supply, it is necessary for the buying to be done outside of the country to ensure that salad fixings and fruits are available on a year-round basis. But frequently the requirements of suppliers are such that year-round orders have to be placed. I do not know if you have spoken with people in our dining room. I do not know if that is a problem here or not, but I suspect that it probably is.

Hon. Mr. Riddell: I will ask Gary to comment, but what we have experienced is that the dining room relies on one supplier. That supplier may choose to handle a foreign product and that is what this dining room gets then, rather than seeking out different suppliers who will supply them with Ontario-grown products. What have you found, Gary?

Mr. Gander: Yes, that is partly the case, that they tend to develop relationships with one or two suppliers, who in turn develop relationships with the base producer.

I think that is a good point, the fact that you cannot print a menu, for instance, and incur that cost that says you are going to have Ontario lettuce when you are not going to be able to have it except for a small period of time. That is one of the realities that a manager is going to run up against when trying to concur with the policy of all Ontario.

I think that with a little careful selection and by rotating the menus, and again with some creativity in trying to spread a number of Ontario products over the whole year, perhaps that could be overcome. Perhaps there is only a narrow window, for instance, for lettuce. Then we will not feature lettuce at another other time, or maybe there are periods of time when obviously you can only get strawberries for a month or something like that.

Mr. Polsinelli: Some bright June or July.

Mr. Gander: I don't mean that you could not get a salad at other times of the year, but it certainly would not be the feature product on the menu. It would be a feature product from June to September—to frost—when we can buy Ontario lettuce.

Mr. Chairman: No other questions. I want to thank the minister for appearing before us, and Mr. Gander thank you very much.

What we will do now is go downstairs with the tour. I want to introduce Mr. Perry, whom I think all of you have met, and Mr. Ponick, who is the controller and was hired not very long ago to be in a control of the Legislature. Welcome gentlemen. We will go on that tour and we will be back—how long do you think it will take? Twenty minutes? We will return back here immediately after we finish downstairs.

The committee recessed at 4:21 p.m.

1648

Mr. Chairman: We have had a tour of the cafeteria, the dining room and the adjoining facilities.

Mr. Polsinelli: Perhaps you can give me your initial observations.

Mr. Chairman: Initial might be at some length, and I am not sure you want to hear those. We may want to hear from Mr. Ponick and Mr. Perry and then have questions raised by the committee members.

Mr. Breaugh that he would not be back. He is at another meeting, the select committee on constitutional reform. The New Democratic Party is not represented, but we can proceed.

The other point I want to make is that this is just an exploratory session today. We will try to break by 5:30, if possible, because members are supposed to be at the Information and Privacy Commission office this afternoon. We will have another session in August, which will explore this at greater length.

It is likely this committee will be meeting the first week in August. We are going to be busy the last week in July, it appears, when we have a meeting in the United States, and then we will be back here for the first week in August. We have either the first week or the third week available to us and the whips have scheduled us for the first week in August. You might want to make a note of that.

1650

Mr. J. M. Johnson: Is that on the Monday?

Mr. Chairman: Monday is a holiday, so it will be Tuesday, Wednesday, Thursday and, if necessary, Friday, but likely it will be just Tuesday, Wednesday and Thursday. Then this committee would not be sitting again until the first week in October. I know many of the members are on other committees.

In addition to that, the subcommittee will be meeting for a few days probably during July and August to develop some aspects of restoration and bring in some models with regard to dealing with restoration. That was approved in the budget; that was in there last week. The subcommittee would then be reporting back to the committee with regard to that after consulting with the Clerk and the Speaker before we came up with some firm suggestions on that. That is what is on the agenda. There are, of course, no firm dates for those subcommittee meetings.

Mr. Perry and Mr. Ponick, do you want to make some initial comments; then we will have questions from the committee members.

Mr. Ponick: Yes. Maybe I will let Mr. Perry give you just a very brief history of that dining room; then I will pick it up from there to let you know what we are doing right now.

Mr. Perry: As many of you are aware, the original dining room was in room 228, room 230 next door and in what is now the Lieutenant Governor's office. That used to be the kitchen. Downstairs where the kitchen is used to be the ministers' dining room. All this was relocated to the present location in early 1972. At that time, the caterer operating the Macdonald Block, Dineley, continued the food service here on a management-fee basis, and all food was prepared and shipped from the Macdonald Block kitchens.

This did not give the adaptability that members required, so when I was hired, I was asked just three questions. Could the kitchen be self-contained? Could we improve the variety? Could we reduce the cost? I said yes to all three, without realizing that the moment the staff was hired on the government payroll, my payroll costs went up 40 per cent. That wiped out my savings. The other two we have managed to do and build up business; so now the catering is actually about 35 per cent of the total sales, with the dining room and the cafeteria making the rest of the sales equally.

The product is now all brought in from suppliers and we are completely self-contained. We produce the majority of the food onsite and we are more adaptable at receiving late orders or special orders. That has really been our biggest problem, because although we have time restraints, we find that a lot of people are still ordering items at the very last minute and we are obliged to provide them as we are a service. Even if we have three luncheons and we are very busy, if the Premier (Mr. Peterson) or someone else phones down for luncheon, we cannot turn around and say: "I'm sorry. Go elsewhere." That really causes a major problem with staffing.

At the present time, we operate the steward services also, which is a delivery system to members. Any service you require, if you give us 24 hours notice, we can provide. I think that is basically the service.

Mr. Chairman: Mr. Ponick, do you have some comments? Then we will have questions.

Mr. Ponick: I will pick it up from there a bit. I have seen the results for the last few years and we are slowly and inexorably building a bigger and bigger deficit. Part of the problem, of course, as Mr. Perry has told you, is that we have an unusual situation, with specialty requirements, which is very costly.

Our deficit in 1986-87 was \$293,000; the deficit for 1987-88 is \$478,000. That seems like a big jump, but I have a suspicion that there were some revenues which were attributed to 1986-87 which should have been to 1987-88; that it is just a timing thing, because there is no reason for a jump like that.

We are estimating for 1988-1989 a loss of \$465,000. We hope to cut into that. From the finance side, we have undertaken to have the audit group do an evaluation of the operation to give us some idea of the general operation and the controls we need to impose. We feel that if we do that we can cut into that deficit. There is also a small price increase coming forth because there has been nothing for—I forget—how many years, Colin?

Mr. Perry: With some of the items, it has been four or five years.

Mr. Ponick: We all know that in that interim inflation has kept on rolling along. That will bring in a little more revenue; so we should look better providing there are no extraordinary situations in this.

From the standpoint of this evaluation, that will not address the problems you have here in the questionnaire—that is strictly an operational and control evaluation—but it will assist Mr. Perry and his staff in that we will bring in some procedures and controls he can live with and that the staff can cope with and will assist them in their work. For instance, the computer system they have is not being utilized anywhere near its full capacity. We want to get into that system and find out what else it can do. That should help him considerably.

We can do nothing about the space; that is what we have and that is what we have to live with. Hopefully, we can maybe do a little realigning when we get the results of this evaluation, but really, I am not expecting an awful lot in that area. It is basically cost control.

The Minister of Agriculture and Food (Mr. Riddell) addressed the situation of using Ontario products and getting away from one supplier. Yes, that is something we should be doing, but the problem is this. If you hopscotch from one supplier to another, if you are buying a particular product from one supplier and he falls short and you have not been buying that anywhere else or in any great quantity, you have a problem. You may be faced with no product.

This is a danger in the restaurant trade. It is a risky business at best. Because Ontario products are restricted to a compressed period of the year, that presents further problems. However, if the Minister of Agriculture and Food is willing to work with us, I am certain we can come up with something along the lines he spoke of. We would have to explore that and try to envision it in the surroundings we have down there because we are awfully cramped for space. To try to put in displays, things like that, is just going to take away from usable space.

There are many problems with this, and we are trying to come to grips with it as best as possible right now. I have the feeling, in deference to Mr. Perry, that there has not been a lot done in that area over the last few years; he has been left pretty much to his own devices. Hopefully, now we can give him some assistance and get this thing moving a little better and make life a little easier for him and his staff.

I took a quick run through those questionnaires last night after I got them and I must confess I was a little surprised at the answers. I had expected a tougher thrashing than what we got. The dissatisfaction seems to centre more in the cafeteria than in the dining room. I must confess it is a bland-appearing room. There really is not much to offer to the public as far as appearance goes.

As to food, you are very limited with space; you cannot offer too much. I have heard the comparison between here and the Macdonald Block, and I have eaten in both places. I am not sure that the difference in quality is that far apart, although I will acknowledge there is some difference in quality. That deli bar is a very nice thing over there, but I have no idea where we would put it over here. We would have to take away from something again. You will gain on one and lose on another. Really, until you establish a place, a home for that dining room on a permanent basis, we are faced with living with what we have at the moment.

1700

Mr. Chairman: Obviously, when we get into restoration, we are going to have to wrestle with that problem. Short-term, I think you are going to have to wrestle with what you have there. Long-term, we are going to have to look for an alternative site in the building, and there are a number of suggestions. Whether it goes to the north wing, the fifth floor here or some other place is something we are going to have to wrestle with.

Mr. J. M. Johnson: My first comments are to the chair. There is a \$465,000 deficit projected for this coming year. I think we have a responsibility to the Legislature and to the people of this province to work towards reducing the deficit. I do not support the idea of subsidization of the dining room, and I think we should work towards eliminating that in whatever way possible. Perhaps that means just simply notifying the members and the people who sent in the questionnaires that the facts of life are that we are spending too damn much money and they cannot have all the things they want. If they are looking for all these frills, they will have to go elsewhere. I think that, personally, is my bottom line.

Mr. Chairman: I do not want to get into that except to say that you have to look at the unique circumstances of the dining room with regard to the service it provides and other matters. I think we should lay out everything as far as dealing with the deficit is concerned. Nobody prefers the deficit, but I think we have to look at the uniqueness and everything before we get into whether we should have a deficit or not. Nobody is in favour of a deficit, but if you are going to increase the prices so that you do not have a deficit, you might get to the point that you do not have any service at all. That is the alternative. Anyway, let's deal with that another time.

Mr. J. M. Johnson: I have a great deal of difficulty understanding the fact that we are promoting a losing proposition. If we are talking about providing service for a certain number of people who have to have it for their duties, that is one thing, but let's not bring the public in to promote having all kinds of people coming in and doing twice the business to increase the deficit by twice the amount. If I am losing something, tell me where it is, but we will leave that and move on.

I think that regardless of the deficit—it is ridiculous; I am saying one thing and then the opposite—I do agree with the Minister of Agriculture and Food that surely in this restaurant which represents the province, we

should be serving Ontario food if at all possible. There are situations, and we have gone into some of them, when we cannot do it. But I do think that whenever possible we should be promoting Ontario food. I would encourage you to work with the Ministry of Agriculture and Food to see if we can bring about some special dates and something of that nature.

I would also say that as far as the cafeteria is concerned, the physical limitations pretty well prohibit any major changes. I did serve on the standing committee on members' services for many years. I have taken these tours, and we have had similar types of questionnaires. Every time the members say the same thing; every time they take a look at reality, they find out that things cannot change that dramatically.

If we are talking about renovating the building, then we can talk about a new dining room. Until that time, we have to live where we are. The cafeteria over in the Macdonald Block offers all kinds of variety, and for the people who are not happy with what they are getting here, a little exercise to walk that few hundred yards will not hurt them. I think I will leave it at that.

Mr. Faubert: You take a hard line, Mr. Johnson.

The one thing I was interested in was the deficit and how it is arrived at. Is there a deficit? Are you working within a particular budget? Does someone say you must not go over a certain deficit? Is there a subsidization limit agreed to?

Mr. Ponick: There is no limit that I am aware of. Mind you, I am a latecomer, but I have not heard of any limit. The one thing I should add right now is that I think this deficit will be reduced, because it did not take into account the increase in the prices that is coming up, so there should be a reduction of that.

Mr. Faubert: That is the second point I was getting to. There are, obviously, ways you can eat into that. There is your own price structure for one thing.

The other one I was interested in was the staffing costs and lack of flexibility. Who established that the staff have to be government employees? Is that something that has always been so in the cafeteria?

Mr. Chairman: It has not always been so. At one time, as was indicated earlier, Dineley's catered, and all the employees, except maybe one or two, were his employees.

Mr. Faubert: Does this not put an unfair cost on the provision of food?

Mr. Chairman: Let me put it as kindly as I might. This happened in the late 1970s, I think. The service was such that the members were very upset with it. They felt they wanted to have control of it again, and the standing committee on members' services at that time recommended that the Legislature have its own facilities, its own employees and so forth. Essentially, it took it over.

Mr. Faubert: So they are employees of the Legislative Assembly.

Mr. Chairman: That is right.

Mr. Faubert: Therefore, they are paid the government rate.

Mr. Chairman: Mr. Ponick, do you want to elaborate on that?

Mr. Ponick: There is one other element there that I have heard about, that is, the salaries were pegged in such a way as to avoid the requirement for tipping. The menus, at one time, had right on them—

Mr. Faubert: Gee, no one told me that.

Mr. Ponick: —and may have again, that tipping is not required. We do not pretend we can stop tipping.

Mr. Chairman: It is not encouraged.

Mr. Faubert: The other aspect is, are you charged housing costs within here? Do you get so much space charged under the budgeting system or is the space free in that sense?

Mr. Ponick: No, not that I am aware of.

Mr. Faubert: So your costs are your operation costs, your staffing costs—

Mr. Ponick: That is right.

Mr. Perry: Replacement cost.

Mr. Faubert: —and your replacement costs of equipment. You set reserves for the replacement costs, I assume, in all the other normal ways of operating.

Mr. Ponick: Yes.

Mr. Faubert: Just one last question. Who establishes the menu? Who really designs what goes into the food service that is offered?

Mr. Perry: That is in conjunction with two chefs and myself. The format was an à la carte menu with three choices of hot items and vegetables every day. In point of fact, we have 120 different items on the menu, but we put only three on every single day, usually on an eight-week cycle. We also have chef's specials once a week, and we put on the menu anything that comes on the market that the chef thinks is a good deal.

Mr. Faubert: You design on a weekly basis and then you purchase on that basis. You try to flow the product through. Keeping in mind your storage limitations, you would serve it on that basis.

Mr. Perry: That is about it, yes.

Mr. Faubert: Some of these suggestions are still very valid, I assume, when you are talking about Ontario lamb and products that—

Mr. Perry: The only thing we have not done is to actually state whether it is Ontario beef. All our suppliers have a standing instruction that, where possible, we like Ontario product. In fact, one of my produce suppliers even lists everything now, whether it is California grapes, Florida oranges or Ontario lettuce. He actually tells us on his invoice, so we can identify it.

Mr. Faubert: So we know whether to picket the place or not.

Mr. Perry: Yes.

Mr. Faubert: Those are all my questions.

Mr. Polsinelli: There are only two South African wines listed.

Mr. Faubert: Hansard will note that was said in jest.

Mrs. Sullivan: Who designs the special drinks? I have never seen such concoctions in my entire life. Does anybody drink them?

Mr. Perry: Yes. We were asked if we would start coming up with some different drinks. I know some of them are weird, and I quite detest them, but if you do have any suggestions yourself, we would be more than delighted to put them on the menu.

Mr. Polsinelli: Scotch on the rocks.

Mrs. Sullivan: They have always struck me as so bizarre, I always have a chuckle over them.

Regarding the deficit, it seems to me that whether it is an inside personnel operation or whether it is a management contract, it is going to be necessary for the operations in the Legislative dining room always to be subsidized through the Legislative Assembly, given the hours of operation, the number of covers and the operating requirement within the space. I think it is a reasonable expectation that there will always be a subsidy necessary.

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What concerns me, having sat on the Board of Internal Economy meetings when we were looking at a fairly large jump, was a matter that you raised at that time, Mr. Perry, in relationship to jumps in food cost and the actual accounting capability we have in the dining room to keep on top of changes in food costs and keep a flexibility in the menu pricing. I find it shocking that there has not been a change in the cost on the menu when there have been substantial changes in food costs over a period of time. There appears to be no real way of maintaining a continuous record to take into account those changes in food costs.

Mr. Perry: When we have the menu printed, we try to guess what food prices will do in the next 12 to 18 months so we can try, again, to build that into our selling price. But this winter, because it was a particularly bad winter, when we are paying \$50 for a case of lettuce and we have a salad bar at \$1.75, you can see that we lose a lot of money.

Mrs. Sullivan: Would it not make sense to review the menu cost based on food cost perhaps once every two months or more frequently and adjust accordingly, up or down, depending on what the food costs are? Strawberries are clearly more expensive at one time of year than they are at another. It just seems to me that by spending the extra money on printing, you may save a lot in the long run.

Mr. Ponick: If I might interject there, one of the things I hope to derive from this evaluation we are doing is just that kind of information. One of the traps you fall into is thinking that more volume means reducing your

deficit. However, if the unit cost of each sale is losing money, all you are doing is building the deficit. We do not know that right now, so this is what we will try to determine. What is the unit cost of putting a plate of food on the table? Does it pay us to go after more business or should we pull back from going after more business when all we are doing is increasing our losses?

Right now we do not have that facility; we do not know. But we hope to have that within a couple of months and then build a system for Mr. Perry to run it with this information and keep a handle on what is going on with his costs.

Mr. Perry: I looked back at the losses in 1977-78, and at that time the deficit was approximately \$210,000. That was under the catering company, so I nearly doubled the losses, but that is 11 years later.

Mr. Chairman: I might say that I think the food has improved a great deal over what it was in 1977, 1978 and 1979.

Mrs. Sullivan: Can you describe more about the facilities of the computerized system you have or the computerization of any systems you have there? I was thinking of not only cost control but billings, co-ordination of orders between kitchen and so on. Is it really a restaurant computer system you have or is it just a normal computer system that is being adapted?

Mr. Ponick: It is a restaurant system, but as I said, we are not utilizing anywhere near capacity. We are just doing the basic minimum of ordering from the front to the kitchen, that sort of thing. I am not familiar with that particular system, the Squirrel system—some of us have referred to it as the "squirrely system"—but I understand it has a lot more capacity and we can do a lot more with it. This evaluation is also taking that into consideration to take full utilization of that system, because it is really money down the drain if you do not get at it.

Mrs. Sullivan: I suppose the other area I wanted to address related to the design of the menu itself and the variety and quality of food prepared. I too was interested in the responses to the questionnaires because, indeed, that is not the response I hear from members, and I was interested in the fact that it was such a positive response. I am wondering how frequently, for example, the menu is evaluated in terms of variety and quality and in terms of, if you like, trends in food service.

Mr. Ponick: My assistant did a fast summary of the results this morning. It is by no means very in depth, but on food quality and variety, and this is from the members and from the other users, the members are generally positive, 80.3 per cent; the other users, 94.5 per cent favorable. I must admit I did not expect that. I thought I was going to hear a hell of a lot more flak than that, but I did not.

For instance, on the staffing, they are almost unanimous that the staff are pleasant, courteous and helpful. You just cannot speak too favourably of the staff. If you add to that the conditions in which the staff work, I think it really is a credit to them that they do the job. But I think this survey needs a little more work on it. That was very fast. But I would not have been surprised if it had come in at 60 per cent; that is what I would have thought. But when you get 94 per cent and 80 per cent, I am amazed. So we have got something going. We now have to build on that.

The cafeteria does not come off as well. Again, this was the dining room.

Mr. Polsinelli: Mr. Ponick, I agree with you. I think the staff are pleasant, courteous and helpful; there is nothing but good things that I can say about them. In terms of the food quality, I consider it to be good with respect to the menu that is served—other than liver, which I personally do not like.

Mr. Perry: We had it on only once.

Mr. Polsinelli: The items I have ordered have always been good. There is always room for improvement, granted; there is always room for a greater diversity, and I am sure you will work on that. But could you explain to me a little bit your catering service, perhaps in a little bit more detail, talking about the type of catering functions you have, the numbers, how many meals you cater per week, that kind of stuff?

Mr. Perry: The basic catering service is coffee service to the committees, to the lobbies. After that we do luncheons to members who have guests. It could be sandwiches, it could be salad plates. We do luncheons and dinners for the Speaker. We do luncheons and cocktail receptions for the Premier. The numbers there could vary from, I think, 14 for lunch for the Premier up to 300 in his cabinet office, in his dining area.

Mr. Chairman: That is a reception?

Mr. Perry: Yes.

Mr. Polsinelli: I understand the variety of catering services they provide, but how about numbers? When you talk about receptions for 200 to 300 people, are they a daily event, a couple of days? Are you servicing 50 members a day for luncheons, that kind of stuff?

Mr. Perry: OK. As far as receptions are concerned, some weeks we may do none whatsoever and then the following week we can do three in one day plus three luncheons in one day.

Mr. Polsinelli: So if you were to put it over an annual basis, how many receptions would you cater?

Mr. Perry: Large receptions? We probably do at least 150 large receptions a year.

Mr. Polsinelli: In other areas, let's say members' luncheons, how many of those would you do?

Mr. Perry: Probably only about 50 for members.

Mr. Polsinelli: Is that 50 a year?

Mr. Perry: This is right.

Mr. Polsinelli: The Speaker probably does a meal a couple of nights a week.

Mr. Perry: Yes, I would say we are probably doing 60 or 70 a year, including small dinner parties and luncheons. We do some small luncheons for the Lieutenant Governor. We do a number of receptions and luncheons for cabinet ministers.

Mr. Polsinelli: How many would those total a year?

Mr. Perry: They average probably two a month.

Mr. Polsinelli: So you do about 20 or 30 a year.

Mr. Perry: Correct.

Mr. Polsinelli: And the Office of the Premier?

Mr. Perry: We are averaging a large one at least once a week.

Mr. Polsinelli: Would all of these be included in your 150 large receptions a year?

Mr. Perry: No, these could be retirement parties, formal dinners.

Mr. Polsinelli: Who would request them?

Mr. Perry: Usually ministry staff. If a deputy or somebody, a senior civil servant, is retiring, they do it through a member or through their ministry. We have those receptions in the dining room.

We used to have a lot of receptions and luncheons in this room, the room next door, room 230, committee rooms 1 and 2, and a lot of formal luncheons, at one time, in room 151. Of course, now they are all committee rooms, and we can no longer do that.

Mr. Polsinelli: Would you say that your catering operation is large enough to become a separate function from your legislative dining room and cafeteria functions?

Mr. Perry: Yes, right now, the catering service is a third of my business.

Mr. Polsinelli: And it is all lumped together in terms of calculating your deficit.

Mr. Perry: Yes.

Mr. Polsinelli: A rough calculation seems to indicate that the dining room, or the service itself, is losing about \$2,000 a day. That is quite a chunk of money for an organization that does not have to pay any rent.

Mr. Perry: Yes.

Mr. Polsinelli: Quite frankly, it is an unacceptable amount of money, and that is going to have to be rationalized, no matter what we do with respect to the renovations. I agree with Mr. Johnson's remarks on that.

It just cannot continue and it should not continue. Whether it means reorganization of your services to limit the number of receptions that you do, to restrict them to whatever areas the committee or the government or the Speaker would like to restrict them, something is going to have to be done with respect to that.

Mr. Perry: We have duplicate services. I realize it is because they have breakfast meetings, but the dining room is open at 8 a.m. and the cafeteria is open at 7:30 a.m. The press gallery, which comes under my budget, is a total loss.

Mr. Polsinelli: What services do you provide to the gallery?

Mr. Perry: I provide two stewards. One of them is usually delivering mail, and that is his full-time job. The other one just serves coffee and snacks in the gallery.

Mr. Polsinelli: What could you do within the next couple of weeks, almost immediately, to rationalize some of the services that you provide, perhaps to eliminate some of the duplication with a minimum amount of inconvenience?

You pointed to one just a few minutes ago. Your cafeteria opens at 7:30 a.m., and your dining room opens at 8 a.m. What if you were to have your dining room open at eight, and your cafeteria not open until lunchtime? Would that provide an immediate saving for you?

Mr. Perry: We are catering to different types of people. The members or the cabinet come into the dining room, usually for early morning meetings. They do not necessarily want a lot of other people around their tables when they are discussing business.

The cafeteria is a through trade, people coming to work, getting a cup of coffee, a sandwich or a doughnut and just going straight on to their offices.

Mr. Polsinelli: Do the ministers coming in to use the dining room go into the ministers' section?

Mr. Perry: Not necessarily, not for breakfast. They often sit in the main dining room.

Mr. Polsinelli: But they could go to the ministers' section and have their meetings, their briefings and whatever they wish.

Mr. Perry: That is true, but I would still have to have staff to serve them.

Mr. Polsinelli: Obviously, I do not know enough about the food delivery system to comment on it intelligently, but it seems to me that with perhaps a slight inconvenience to ministers, having blue-collar workers coming into the dining room to pick up a cup of coffee and a doughnut would be a slight inconvenience that could end up saving you a bundle of money at the end of the year.

If I were a minister of the crown, I would be well prepared to incur that discomfort if the people of Ontario could save a few thousand dollars at the end of the year. Along those lines, are there other things you can examine or look at that would provide an immediate cost saving?

Mr. Perry: Close the press gallery.

Mr. Polsinelli: Close the press gallery?

Mr. Perry: Right.

Mr. Polsinelli: How much money does it cost us to provide catering services to the press gallery?

Mr. Perry: I would estimate I am losing \$50,000 a year.

Mr. J. M. Johnson: Would you repeat that, with all these sirens?

Mr. Polsinelli: It is \$50,000 a year to provide catering services to the press gallery. What if the press gallery had to come downstairs like everyone else to pick up their coffee and doughnuts?

Mr. Perry: The service we are providing is a delivery service for all the press releases; they are dropped off at the press gallery. The stewards, who for some reason are paid by the catering department, are the ones who issue the press releases around the building. I do not know.

Mr. Polsinelli: Why is it that you are doing that? When did that start? It seems to me—

Mr. Perry: It was here when I came here.

Mr. Faubert: How did that get dumped on you?

Mr. Perry: I honestly do not know. It was here when I came. I was told that the press gallery was my responsibility and it has always been put into my budget.

Mr. Polsinelli: Mr. Perry, I understand that your ultimate responsibility is to the Speaker and that the Speaker will make the decisions as to what services you will cut back on and which will increase, but as a member of this committee who is presently looking at this area of the services available to members, I would appreciate it if you could come back to us, perhaps at our next meeting, outlining a series of initiatives you could take to cut back on your expenditures.

Rather than letting the burden fall on your shoulders or strictly on the Speaker's shoulders, perhaps the committee can deliberate and determine which of those service it would recommend you either realign or terminate.

Mr. Perry: Good. Yes, I will do that.

Mr. Polsinelli: Thank you.

Mr. Daigeler: I may have missed this. I think you mentioned it, but could you repeat it? How does the deficit of the last couple of years relate to the deficits over the last 10 years?

Mr. Perry: When the catering company operated the food service here 10 years ago, the deficit at that time was \$216,000. Now it is up to \$268,000, but—

Mr. Daigeler: Has it been like that every year?

Mr. Perry: It has slowly gone up. In the last two years it has increased simply because we bought the computerized system, and that cost us \$60,000.

Mr. Chairman: Excuse me, did you not just indicate that it is up to \$478,000?

Mr. Ponick: It is \$293,400 for 1986-87, \$478,200 for 1987-88 and \$465,800 projected for 1988-89. However, I think that 1986-87 and 1987-88 should be— I have to verify this, but I think some of that deficit showing in 1987-88 really comes from 1986-87. It was probably that they got caught by the fiscal year end and did not get all the revenues in or something like that.

Mr. Chairman: But \$465,800 is projected for 1988-89?

Mr. Ponick: Yes, but that was before the price increases.

Mr. Chairman: You have price increases coming. Second, before you took over, it was about \$216,00 when Mr. Dineley—

Mr. Daigeler: What about the years in between? That was at the end of the 1970s. What about the early 1980s? Was it always around \$200,000?

Mr. Perry: It slowly went up to \$300,000, \$380,000, \$390,000.

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Mr. Ponick: But then fell back a little and is now climbing again.

Mr. Daigeler: So one can say, on average, it is \$300,000.

Mr. Ponick: Yes, a \$300,000 average.

Mr. Daigeler: The only other comment is that I guess there are a lot of expectations. This committee or the Legislature will have to make a decision whether it wants and needs the service which then has to be paid for, or does not want or need the service and then we can cut the deficit.

If we do want the service, the only item I feel strongly about is the use of credit cards. I think that is perhaps the strongest one that has been mentioned.

Mr. Chairman: You feel we should have credit cards?

Mr. Ponick: That came out in the questionnaire.

Mr. Daigeler: I think that is the strongest.

Mr. Ponick: We have no objection to that. It simply has not been done.

Mr. Chairman: At one time they would not even take cheques. It was cash on the barrelhead and nothing else.

Thank you very much, Mr. Ponick and Mr. Perry, for coming before us.

Mr. J. M. Johnson: Would there be any possibility of taking at least some slight change to resolve some of these issues? I go back to the Ontario wines. You are going to change your menu anyway.

Mr. Perry: Correct.

Mr. J. M. Johnson: When you do change it, is there a reason you could not increase the variety of Ontario wines, the price range, perhaps decrease the number of imported wines and highlight the high price range of the imported, so that there is quite a difference between the Ontario and imported? If we cannot do it one way, maybe we can another.

Mr. Perry: At the present time, the way we propose to do it is that we will have a separately printed wine list. It will be inserted into the menu and that will give us a lot more adaptability in promoting certain wineries each month, eliminating imported wines. We are open to all sorts of adaptability in that case, and we can now do it, because it will not be part of the total menu. It will be a separate sheet we can put in.

Mrs. Sullivan: I have one more question. I am sorry I neglected to ask it earlier. How do you select your suppliers? Is it done through a bid situation or how are they chosen?

Mr. Perry: Unless it is for equipment, which is on a bid practice, the food suppliers are selected on their reliability, their ability to deliver at the times we require, their price and the quality of their product.

Mrs. Sullivan: Is there a formal mechanism set out that allows a supplier to have a contract or be the official supplier for a period of time?

Mr. Perry: No.

Mrs. Sullivan: That might be something you would like to look at. Thank you.

Mr. Chairman: Thank you, committee members, Mr. Ponick, Mr. Perry. I expect you will now go through the questionnaires and bring us a report back on the options we have available. We expect to be meeting the first week in August, at which time we should take a more thorough look at this, maybe devote a half day or a full day to it, and you could give us some guidance on that. You might also want to speak with the new director of legislative services, Barbara Speakman, who will be on board, starting July 4. Then maybe the three of you can appear before us or anyone else you feel is necessary.

Do you have a comment, Mr. Ponick?

Mr. Ponick: Just one comment. With that evaluation we are doing, we might have a preliminary draft by the end of July, but we are looking at about eight weeks before that is completed, so it will be rather tight. Certainly, we would have it for early fall.

Mr. Chairman: We would like to have you on the agenda some time in early August even for a preliminary look at these things. Maybe if you have some further thought, that might not be a bad idea; the committee can have additional input and give you some further direction. That may be helpful.

Any other comments? If not, committee members will recall that we have the tour of the privacy commissioner's establishment at 80 Bloor Street West and we will meet there at six o'clock.

The committee adjourned at 5:35 p.m.

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